

3rd August 1943

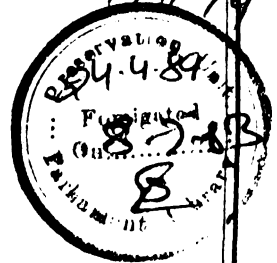
TO
THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1943

(26th July to 25th August, 1943)

EIGHTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1943



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI
1943

Price Rs. 1 As. 6 or 2s.

LEGISLATIVE ASSEMBLY.

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

Deputy President :

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

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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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Sardar SANT SINGH, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Tuesday, 3rd August, 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.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

DETENUS AND PRISONERS CONVICTED UNDER DEFENCE OF INDIA RULES.

152. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable the Home Member be pleased to state the number of detenus and prisoners convicted under the Defence of India Rules?

(b) Is there any arrangement to revise each case individually after some time? If not, do Government propose to do so now?

The Honourable Sir Reginald Maxwell: (a) The number of persons detained under Defence of India Rule 26 from the beginning of the war up to 1st June, 1943, was 17,766, of whom 11,717 were still under detention on that date. The number of persons convicted during the same period under the Defence of India Rules was 75,941, while the number actually in jail on June 1st was 15,099. The above totals do not, however, include the North West Frontier Province for which Province figures are not available.

(b) There is no automatic arrangement for the review of each case of detention after a particular period. The principle which both the Government of India and Provincial Governments have constantly in mind, however is that no security prisoner shall remain in Jail whose detention is not essential in the interests of security and the efficient prosecution of the war.

Sardar Sant Singh: Has the attention of the Honourable Member been drawn to the recent report coming from the House of Commons wherein it was said that the House of Commons have constituted themselves into a body to examine the Defence of India Rules there in England and to see that no injustice is done by the application of such rules?

The Honourable Sir Reginald Maxwell: The House of Commons was talking about England and not about India. In any case, I have no official report about this.

Sardar Sant Singh: May I know if the Honourable Member will please make enquiries and if he proposes to constitute a similar Committee of this House to look into those rules?

The Honourable Sir Reginald Maxwell: The question does not relate to the Defence of India rules.

Mr. K. O. Neogy: Is not the answer this that India is not England?

Mr. Lalchand Navarai: May I know whether these detenus have been detained under the orders of the Central Government or of the Provincial Governments?

The Honourable Sir Reginald Maxwell: Nearly all of them under the orders of the Provincial Governments.

Mr. Lalchand Navarai: What is the system of examining or re-examining those cases? If not individually, how are they done?

The Honourable Sir Reginald Maxwell: I have dealt with that question in reply to the debate on the subject the other day and I have also replied to it under clause (b).

Mr. N. M. Joshi: In view of the fact that the number of Ordinances issued in India and also the number of rules issued under these Ordinances have become enormous and it is difficult for Honourable Members to find out what the exact Ordinances are and what the exact rules are, will the Government of India consider the advisability of printing and publishing all these Ordinances and rules in one volume?

The Honourable Sir Reginald Maxwell: That is a question that hardly concerns me, but I may point out the great difficulty of paper.

PAPER CONSUMPTION IN INFORMATION AND BROADCASTING DEPARTMENT.

153. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state the actual consumption of paper in his department in 1941 and 1942 and the estimated consumption in 1943?

(b) Is it a fact that his department is not economising in the use of paper?

The Honourable Sir Sultan Ahmed: (a) 1941—389 Tons, 1942—622 Tons, 1943—650 Tons.

(b) No. Every effort is being made, with considerable success.

DIFFERENTIAL PAYMENTS TO EUROPEAN AND INDIAN ARTISTS.

154. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state the maximum payment made to a European artist and an Indian artist for a single performance?

(b) What is the maximum sum paid to an artist for a single day?

(c) Is it a fact that the European artists are paid on a higher scale than the Indian artist? If so, why?

The Honourable Sir Sultan Ahmed: (a) and (b). Information about the fees paid to artists is confidential and cannot be disclosed.

(c) No. The second part of the question does not arise.

Mr. Muhammad Nauman: May I know who is the individual who decides these? Is it any particular individual who decides what payment is to be made?

The Honourable Sir Sultan Ahmed: I have no definite information ready, but I am inclined to think that it is done by the Station Directors of the different stations.

Mr. Lalchand Navarai: May I know if there is really difference in the payments to Europeans and Indians?

The Honourable Sir Sultan Ahmed: No, Sir.

Dr. Sir Zia Uddin Ahmad: We want information, not what the Honourable Member is inclined to think?

The Honourable Sir Sultan Ahmed: I have given the information.

Mr. Muhammad Nauman: As there have been constant complaints that the payments have not been made with equity, but rather on personal whims, will the Honourable Member please make enquiries?

The Honourable Sir Sultan Ahmed: That is not correct, because I have made enquiries so far as that is concerned.

Maulvi Muhammad Abdul Ghani: Will the Honourable Member please place the change in the rates of payments before the Standing Committee?

The Honourable Sir Sultan Ahmed: That can be done; that is possible.

CENSORSHIP ON MR. LOUIS FISCHER'S WRITINGS AND SPEECHES.

155. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable the Home Member be pleased to state the reasons for imposing censorship on Mr. Louis Fischer's writings and speeches?

(b) Has it been brought to the notice of the Honourable Member that this order has created a very bad impression on American public opinion?

The Honourable Sir Reginald Maxwell: (a) The reason was the prejudicial and inaccurate nature of his writings and speeches about India, which have contained matter calculated to cause disaffection against Government and to prejudice relations between the United Nations.

(b) No.

Mr. K. O. Neogy: In so far as Mr. Louis Fischer's articles contained inaccurate statements, will the Honourable Member be pleased to indicate in what respects and on what points they are inaccurate?

The Honourable Sir Reginald Maxwell: That cannot be done in answer to a question.

Mr. K. O. Neogy: Has any attempt been made so far to give a reply to Mr. Louis Fischer's articles in so far as they may contain inaccurate statements of facts?

The Honourable Sir Reginald Maxwell: That again does not seem to arise out of this question. I have stated the reasons for imposing the ban.

Sardar Sant Singh: Is this the reason for imposing the ban, that the articles contained such facts that the inferences drawn from them are not very palatable to the Government of India?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of opinion.

Mr. Muhammad Nauman: Has not the Government considered it necessary to issue some sort of 'communiqué from the Home Department saying that those facts were inaccurate and they have been prejudicing the minds of Indians?

The Honourable Sir Reginald Maxwell: The Home Department have to judge from time to time what kind of contradictions are necessary. There is a great deal of undesirable propaganda published from time to time, but we cannot reply to all of it, the best thing is to censor it.

Mr. Lalchand Navalrai: May I know if it has been pointed out to Mr. Louis Fischer that his statements are inaccurate and that he should in future do better?

The Honourable Sir Reginald Maxwell: I think he is probably beyond learning.

Maulvi Muhammad Abdul Ghani: Have the Government taken any steps in the National War Front to issue a contradiction to these articles?

The Honourable Sir Reginald Maxwell: That question should be addressed to the Honourable Member for Information and Broadcasting.

Mr. K. O. Neogy: Is the Honourable Member aware that the orders of Government in regard to this matter have invested Mr. Louis Fischer's articles with special importance and that those articles are being read with great interest?

The Honourable Sir Reginald Maxwell: That is a matter of opinion.

SALE, IMPORT AND EXPORT OF GOLD.

156. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable the Finance Member be pleased to state what quantity of gold was sold in India during the year 1942 and up to the 15th of June, 1943? How much gold was bought in India, and exported to the United Kingdom and America since the declaration of war.

The Honourable Sir Jeremy Raisman: The Government have no information regarding sales and purchases of gold in India. They consider that it would be contrary to the public interest to publish figures of exports of gold to the United Kingdom and to the United States of America, but I can assure the Honourable Member that there have been no such exports for the past 18 months and more.

NEWSPAPERS SUPPLIED TO MR. GANDHI.

157. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** Will the Honourable the Home Member be pleased to state the names of the newspapers supplied to Mr. Gandhi?

The Honourable Sir Reginald Maxwell: I place on the table a list of the newspapers supplied to Mr. Gandhi.

List of Newspapers supplied to Mr. Gandhi.

- (1) *Bombay Samachar* (Gujarati) Bombay.
- (2) *Bombay Chronicle* (Bombay).
- (3) *Dawn* (Muslim League Official Organ Delhi).
- (4) *Gram Udyog Patrika* (English monthly).
- (5) *Hindu* (Madras).
- (6) *Hindustan Standard* (Calcutta).
- (7) *Hindustan* (Urdu Weekly—Lucknow).
- (8) *Hindustan Times* (Delhi).

- (9) *Khadi Jagat*—monthly, Hindustani (Wardha).
- (10) *Modern Review*—monthly (Calcutta).
- (11) *Rashtra Bhasha Samachar*—Hindi (Wardha).
- (12) *Sarvodaya* (Hindi—Wardha).
- (13) *Statesman* (Calcutta).
- (14) *Talimi Sangh Magazine*—monthly Hindi (Wardha).
- (15) *Times of India* (Bombay).

Mr. Lalchand Navalrai: Are they too many to be mentioned.

Maulvi Muhammad Abdul Ghani: Are there any Urdu papers included in the list?

Mr. N. M. Joshi: Will the Honourable Member read out the names of papers?

The Honourable Sir Reginald Maxwell: There are 15 papers.

Rao Bahadur N. Siva Raj: Is *Dawn* one of the papers supplied?

The Honourable Sir Reginald Maxwell: Yes, Sir.

INDIANS AS STAFF OFFICERS IN DIFFERENT BRANCHES OF GENERAL HEADQUARTERS.

158. *Mr. Govind V. Deshmukh: (a) Will the War Secretary please state the total number and the number of Indians as Staff Officers in the following Branches:

(i) General staff: (1) Operations Branch, (2) Intelligence Branch, and (3) Military Training Branch;

(ii) Adjutant General's Branch;

(iii) Quarter Master General's Branch; and

(iv) Master General of Ordnance Branch?

(b) Has the percentage of Indians employed in these several Branches increased since 1940? If so, by how much?

Mr. C. M. Trivedi: (a) I regret that it would not be in the public interest to reveal the total numbers of officers employed in the branches and directorates concerned, but the percentage of Indian to British Officers employed on the 1st July, 1943, was 9·81 and the proportion of those holding graded staff appointments was 3 Indian to 100 British.

(b) Yes, Sir; the percentage of Indians employed in these branches and directorates has increased from 2·23 in 1940 to 9·81 in 1943.

Mr. Govind V. Deshmukh: Do Government consider that a good progress?

Mr. C. M. Trivedi: I consider, Sir, that it is satisfactory.

Mr. K. O. Neogy: Is the Honourable Member in a position to give us figures of percentages separately for the Operations Branch, Intelligence Branch and Military Training Branch?

Mr. C. M. Trivedi: If the Honourable Member will give me notice I shall be able to answer that question.

Mr. K. O. Neogy: But notice was given.

Mr. C. M. Trivedi: I have not got the percentages separately worked out.

Mr. K. O. Neogy: Why have the percentages been lumped up together and why could they not be supplied under each of these sub-heads?

Mr. C. M. Trivedi: If the Honourable Member will give me notice, I shall be glad to work out the percentages.

COMPLAINTS AGAINST THE EXECUTIVE OFFICER, AGRA CANTONMENT.

159. *Seth Yusuf Abdoola Haroon (on behalf of **Qazi Muhammad Ahmad Kazmi**): Will the Honourable the Defence Member please state if it is or it is not a fact that there were representations from the Muslim public of the Agra Cantonment against the re-organisation scheme of the Executive Officer and that it was specifically brought to the notice of the higher authorities that the said Executive Officer had openly adopted an attitude hostile to the Muslim employees of the Board? If so, what action did Government take on these representations, and what action, if any, do they propose to take against the Executive Officer for his irregularities and communal discrimination?

The Honourable Sir Sultan Ahmed: A representation was received in August 1941. Government made enquiries through the General Officer Commanding-in-Chief, Central Command, and are satisfied that the re-organisation proposals made by the Executive Officer were made purely on grounds of efficiency. The recommendations of the Executive Officer were dealt with in detail by a Special

Committee of the Cantonment Board, composed of two British officers of the rank of Major and a Hindu and a Muslim elected member of the Board. I have read through the proceedings of this Committee with great care and I am satisfied that even though Mr. Zoberi dissented from his other colleagues in many directions, the decisions reached were on merits. The Honourable Member is fully aware that it is not unknown in local body administration in all countries that measures of retrenchment justified on grounds of public interest are often very difficult to carry through because of the personal interests of various employees being adversely affected. Consequently, every argument is used to oppose most schemes for the retrenchment of staff and unfortunately in India communal bias provides a very easy argument. Government are satisfied that no action on their part is called for in this case.

GRANT OF KING'S COMMISSION TO V. C. Os.

160. *Mr. Govind V. Deshmukh: Will the War Secretary please state if V.C.Os. have ever been given King's Commission, either emergency or permanent? If so, when, and how many?

Mr. C. M. Trivedi: Yes, Viceroy's Commissioned Officers have been given King's Commissions both permanent and emergency.

Seven Viceroy's Commissioned Officers were given direct permanent commissions as *King's Commissioned Indian Officers* after the last war. Three of these were commissioned in 1919, two in 1920 and two in 1922.

Twelve Viceroy's Commissioned Officers were given permanent King's Commissions as *Indian Commissioned Officers*. Three of these were commissioned in February 1935, three in July 1935, two in February 1936, one in July 1936 and three in February 1939.

Up to the 15th July, 1943, 985 Viceroy's Commissioned Officers and ex-Viceroy's Commissioned Officers have been granted emergency commissions. These have been appointed at various dates from the 12th December, 1940.

Sir Muhammad Yamin Khan: By "King's Commission" does he mean anything separate from the Indian Commission?

Mr. C. M. Trivedi: I refer to what is called the I. C. O., i.e., the Indian officers commissioned after the discontinuance of entry to Sandhurst for Indians.

Mr. Lalchand Navarai: On what basis is this promotion given?

Mr. C. M. Trivedi: It is given on the basis of selection and merit.

Maulvi Muhammad Abdul Ghani: What is the number of Anglo-Indians who have been given the King's Commission from among the Viceroy's Commissioned Officers?

Mr. C. M. Trivedi: I have no information, Sir, on this point.

FATAL ACCIDENTS AT THE FLYING CENTRES IN INDIA.

161. *Mr. Govind V. Deshmukh: Will the War Secretary please state:
(a) if there have been any accidents resulting in death to persons at any of the flying centres in India while undergoing training for flying during the last twelve months;

(b) if such persons were Indians or Europeans or both; and

(c) if the causes of such accidents were inquired into; if so; what these were?

Mr. C. M. Trivedi: (a), (b) and (c). It would not be in the public interest to announce flying accidents or their details in War time, whether they occur during flying training or in operational units. I may however assure the Honourable Member that all accidents are carefully investigated in order to incorporate any lessons resulting from them, into the training and operational methods.

Mr. Muhammad Nauman: Were there any accidents which resulted in loss of life and, if so, was any compensation paid to their families?

Mr. C. M. Trivedi: There have been a certain number of such accidents.

Mr. Govind V. Deshmukh: Are Government aware that secrecy in such matters causes discontent and anxiety to the general public and would it not be more in the public interest to disclose the accidents that are caused?

Mr. C. M. Trivedi: I have already said that it would not be in the public interest to disclose details about these accidents.

Mr. Muhammad Nauman: Was any compensation paid to their families? What is the reply to that?

Mr. C. M. Trivedi: There is provision for family pensions.

Mr. Govind V. Deshmukh: As this question is the result of public anxiety do Government realise that not to disclose the real state of affairs would make the public still more anxious as regards those who have joined and are being trained in these flying centres?

Mr. C. M. Trivedi: Disclosure of details would give information to the enemy, but I can assure the Honourable Member that the accidents have been very few.

Mr. Lalchand Navalrai: May I know if these accidents come to the notice of the public when they take place or they are not known to anybody and take place in secret?

(No reply was given.)

Mr. K. C. Neogy: Is the Honourable Member aware of the general public impression that a large number of these accidents have been due to the fact that antediluvian machines were supplied for training purposes?

Mr. C. M. Trivedi: I can assure the Honourable Member that the accidents have not been due to the supply of what he calls antediluvian machines.

SECURITY PRISONERS IN ASSAM.

162. *Mr. Ananga Mohan Dam: (a) Will the Honourable the Home Member be pleased to state the number of security prisoners detained up to the 31st June, 1943, in the different jails of Assam?

(b) How many of these prisoners were arrested under the direction of the Central Government?

(c) Did the Government of India ask the Assam Government to arrest some of the members of the Assam Assembly who were members of the All-India Congress Committee, although they did not attend the session of the All-India Congress Committee held in Bombay in August 1942? If so, how many, and the reasons for their detention?

(d) Do the Government of India propose to enquire from the Assam Government if the security prisoners are allowed personal and family allowances in all cases?

The Honourable Sir Reginald Maxwell: (a) I would draw the Honourable Member's attention to the fact that the month of June has only 30 days; I cannot therefore supply him with figures for the number of persons detained up to the 31st June. The total number of persons detained in Assam from the beginning of the war to 1st June, 1943—the latest date up to which figures are available—was 351; of this total, 300 were still under detention on the 1st June.

(b) None.

(c) and (d). No.

POLICY RE RELEASE OF SECURITY PRISONERS.

163. *Mr. Ananga Mohan Dam: Will the Honourable the Home Member please state the policy of the Government of India with regard to the release of security prisoners, and have the Provincial Governments been directed to review the case of each security prisoner with a view to releasing him if he had been detained merely on suspicion?

The Honourable Sir Reginald Maxwell: No person is detained under Defence Rule 26 unless the authority responsible for passing the order is satisfied, in terms of the preamble to that Rules, that his detention is necessary. No

specific directions have been given to Provincial Governments, but it is understood that they do review cases from time to time with the object of releasing persons whose detention is no longer necessary.

Mr. Lalchand Navai: Did they examine these cases *suo motu* or on the application of any one?

The Honourable Sir Reginald Maxwell: Very largely *suo motu*. I gave figures to the House in the debate the other day when I said that between four and five thousand persons had recently been released.

Mr. Abdur Rasheed Choudhury: Is it a fact that some people are detained merely on suspicion?

The Honourable Sir Reginald Maxwell: It depends on what the Honourable Member means by "merely on suspicion". No one is detained without something definite being known about him.

Mr. Abdur Rasheed Choudhury: Does suspicion and not facts play any part in the policy of detention of these people?

The Honourable Sir Reginald Maxwell: No, Sir. Suspicion is based on facts known to the Governments concerned.

Mr. Kailash Bihari Lal: May I know from the Honourable Member if the Government of India have laid down any principles or have given any directions to the Provincial Governments with regard to the release of detenus?

The Honourable Sir Reginald Maxwell: No, Sir. I said that no specific directions have been given to the Provincial Governments.

UTILIZATION OF STERLING BALANCES FOR CAPITALISING STERLING PENSIONS, FAMILY PENSIONS, ETC.

164. *Mr. K. O. Neogy: (a) Will the Honourable the Finance Member please state if the Government of India have reached a tentative decision to capitalise the sterling pensions, family pensions and provident funds out of the accumulated sterling balances of the Reserve Bank of India?

(b) If the reply to (a) be in the affirmative, what sum do the Government of India propose to allocate for the purpose, and how is the arrangement proposed to be worked?

(c) Does the Honourable Member propose to enlighten the House on the reasons for an immediate decision in this matter? Was the question of the utilisation of any portion of the sterling balances on other measures, such as repatriation of the foreign capital employed in India, including the British investments in private industries and enterprise, considered before the present decision was reached?

(d) Will the responsibility for payment of these British pensions continue to be borne by India notwithstanding India's parting with the large sum of money securing payment for the same?

The Honourable Sir Jeremy Raisman: (a) The proposal which was outlined in para. 48 of my last Budget speech has since been referred to His Majesty's Government who have the matter under examination.

(b) The amount involved is approximately £150 million. The working of the scheme was explained in the paragraph of my last Budget speech to which I have already alluded.

(c) This proposal has been under consideration for some time now. All aspects of the utilisation of the Reserve Bank's sterling balances have been considered. Even after earmarking this sum for pensionary remittance provision there will remain very substantial and still growing balances available for other purposes.

(d) As I explained in my Budget speech, the Government of India will remain legally liable for payment of these pensionary charges but as a result of this purely financial arrangement they would automatically be provided from time to time with specified sterling amounts which, so far as can be estimated, would be adequate to meet the legal liabilities concerned.

Mr. K. O. Neogy: Do I take it that the question of utilization of the sterling balances by way of repatriation of the foreign capital employed in

India was seriously considered as an alternative to the proposal which has found favour with the Government as indicated in this question?

The Honourable Sir Jeremy Raisman: I have stated, Sir, that all aspects of the utilization of sterling balances have been considered. There is no question of an alternative being involved because, as I have also pointed out, even after this scheme is implemented there will remain ample balances for other purposes.

Mr. K. O. Neogy: Do I take it that the question of repatriation of the foreign capital employed in India is going to be seriously considered, or was considered in the past?

The Honourable Sir Jeremy Raisman: The only point which arises here is whether the implementation of this scheme constitutes a bar to the implementation of other schemes, and my answer is that it does not. But of course the question of utilizing the sterling balances for any other purposes must be considered on the merits of those schemes.

Mr. K. O. Neogy: May I know what the Government think of the merits of repatriation of the foreign capital employed in India?

The Honourable Sir Jeremy Raisman: That, Sir, is hardly a matter which I could deal with in reply to a question.

Mr. Muhammad Nauman: May I know whether, with reference to part (c), the European commercial community in India has been consulted on this and because they do not favour this attitude the Government is not taking into serious consideration this matter of repatriation?

The Honourable Sir Jeremy Raisman: No, Sir. What the Honourable Member has suggested is entirely incorrect.

Seth Yusuf Abidoola Haroon: Will the Honourable Member give an opportunity to the House to discuss this question?

The Honourable Sir Jeremy Raisman: The House had full opportunity to discuss this question during the last Budget Session.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if the Government have got a scheme of priorities and, as a result, the question of capitulation of sterling balances comes before the question of repatriation of other sterling assets in this country?

The Honourable Sir Jeremy Raisman: There is no formal priority, but methods of utilizing sterling naturally assume priority according to their feasibility and practicability at particular times.

SIKHS IN THE POSTS CREATED IN CIVIL DEFENCE DEPARTMENT.

165. *Sardar Sant Singh: Will the Honourable Member for Civil Defence please state the number of posts created since the coming into existence of his Department, the number of Sikhs employed therein, and the number of posts carrying salary of over Rs. 300, a month, and the number of Sikhs getting that salary?

The Honourable Sir Sultan Ahmed: A statement is laid on the table.

Statement.

	(a) Number of posts created since the coming into existence of the C. D. Department.	Number of posts in existence on 31st July, 1943.
Gazetted posts (including Superintendents) .	32	21
Assistants (including Assistants Incharge) .	33	32
Clerks	41	38
Stenographers	15	10
Draftsmen	8	1
Inferior Servants	71	68
TOTAL	200	170
(b) Number of Sikhs employed	9	9
(c) Number of posts carrying salary of over Rs. 300	32	21
(d) Number of Sikhs getting pay of over Rs. 300	<i>Nd.</i>	<i>Nd.</i>

Sardar Sant Singh: May I know from the Honourable Member if there is any Sikh in the Civil Defence Department drawing over Rs. 800 per month?

The Honourable Sir Sultan Ahmed: Nil.

Sardar Sant Singh: Will the Honourable Member please state reasons for thus ignoring the quota of Sikhs in this particular Department?

The Honourable Sir Sultan Ahmed: It is very difficult to answer that question without being guilty of showing discourtesy, but I do suppose that the Department must have considered the merits of all the candidates and they found that there was no Sikh available.

Sardar Sant Singh: May I know if any applications were invited for the posts carrying this salary and above and whether there was any applicant belonging to the Sikh community?

The Honourable Sir Sultan Ahmed: I have no information.

Maulvi Muhammad Abdul Ghani: May I know the position of Mussalmans?

The Honourable Sir Sultan Ahmed: This question does not arise.

Mr. Lalchand Navalrai: What about the Sindhis?

(No answer was given.)

HIGH FARE RATES CHARGED BY THE G.N.I.T., DELHI AND DESIRABILITY OF GIVING CONVEYANCE ALLOWANCE TO SECRETARIAT STAFF.

166. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state the rates of fare charged by the G. N. I. T. Delhi from Secretariat to Kashmere Gate, Connaught Place and Minto Road in 1939 and now?

(b) Is it a fact that the fares have been almost trebled?

(c) Are Government aware that this affects adversely their Secretariat staff living in or near the localities mentioned in part (a) above, in that they have to pay very highly for transport?

(d) Do Government propose to grant conveyance allowance to their staff in view of the high transport charges by the G. N. I. T. and consequently by tongas? If not, are they prepared to control the fares for transport and bring them down to the pre-war rates, or to increase them within reasonable limits so as to be within reach of the poorly paid staff?

(e) Alternatively do they propose to consider the running of free Government buses for their staff as in the case of their military personnel, and to utilise spare military buses for the purpose in order to avoid any extra cost?

The Honourable Sir Jeremy Raisman: (a) The services referred to by the Honourable Member were started only in 1940. The fares were as follows:—

(i) Secretariat—Kashmere Gate—4 annas.

(ii) Secretariat—Connaught Place—2 annas.

(iii) Secretariat—Minto Road—2½ annas.

The corresponding rates for 1943 are 1½ annas higher in each case.

(h) No.

(c) This is only a particular instance of the effect of the general rise in the level of prices.

(d) No, but some new vehicles have recently been released to the G. N. I. T. in order to enable them to open new, and to strengthen existing services.

(e) No.

Mr. Hoeseinbhoy A. Lalljee: This question has been put to the Honourable the Home Member.

The Honourable Sir Jeremy Raisman: After some discussion it has been decided that the question appertains more closely to me, and therefore I have answered it.

Mr. Hoeseinbhoy A. Lalljee: We are very much obliged that the Honourable Member has accommodated us like that.

EXAMINATION OF POST-WAR CURRENCY PROPOSALS.

167. *Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to state:

(a) what steps the Government have taken to examine the full implications for India of the post-war currency proposals put forward by the Government of

the United Kingdom and these put forward by the Government of the United States of America;

(b) whether Government propose to invite the representatives of the commerce and industry and other non-official experts to collaborate with Government in the examination of these proposals at any stage;

(c) whether Government are aware that the Federation of Indian Chambers of Commerce and Industry have appointed local Sub-Committees in Bombay, Calcutta and Delhi to study these proposals;

(d) whether Government propose to invite the Federation of Indian Chambers of Commerce and Industry to nominate their representatives to collaborate with any experts employed by Government in the examination of these proposals; and

(e) whether prior to committing the Government of India to any of these plans or any particular proposals or suggestions embodied in the plans, the Honourable Member will, apart from committing the representatives of the commerce, trade and finance, place the tentative views of the Government before the Central Legislature for consideration?

The Honourable Sir Jeremy Raisman: (a), (b) and (d). Both plans were published in India on the 5th July and have been given the widest possible circulation and publicity. The two plans are under examination by the Reserve Bank and Government are now awaiting the views of the Bank and also public reaction and comment. On receipt of these opinions Government will consider the most suitable further procedure.

(c) Government have no information regarding this.

(e) I would draw the Honourable Member's attention to the reply which I gave on the 23rd March last to part (d) of his question No. 358, and to the remarks which I made on the 27th July last during the discussion on Mr. Jammadas Mehta's attempt to move an adjournment motion on this subject.

Mr. Jammadas M. Mehta: Is it proposed to invite labour representatives for consultation and expression of opinion?

The Honourable Sir Jeremy Raisman: Government have not yet decided what the most suitable procedure will be, but I will take note of the suggestion of my Honourable friend.

DUTY-FREE INDUSTRIAL COLOURED SALT AND THE FISHING INDUSTRY IN SIND.

168. *Seth Yusuf Abdoola Haroon: Will the Honourable the Finance Member please state:—(a) whether it is a fact that when the concession for the issue of duty-free industrial coloured salt sanctioned by the Government of India was extended to the Province of Sind from the year 1939, only one company of Salt Works at Maurypur (Sind) enjoyed the monopoly for the manufacture of industrial coloured salt; if so, why the other Salt Works were not apprised of the said manufacture of coloured salt in question;

(b) if the Honourable Member is aware of the fact that from the year 1941 other salt manufacturers came into the field and produced and supplied the industrial coloured salt to the Fishing Industry at a low rate;

(c) whether it is a fact that the Superintendent of Salt Revenue in Sind at Maurypur, Karachi, recommended the said scheme for the duty-free industrial coloured salt to be withdrawn in the year 1942; if so, why, and on what grounds;

(d) if it is a fact that the scheme for the duty free industrial coloured salt has proved beneficial and advantageous to the poor fishermen and the Fish Industry of the Province of Sind; and

(e) whether it is a fact that the Government of Sind rejected the aforesaid recommendations of the Superintendent of Salt Revenue in Sind, and instead requested the Government of India for the continuity of the said scheme for another year?

The Honourable Sir Jeremy Raisman: With your permission, Sir, I will reply to questions Nos. 168, 169, 170 and 171 together.

The Government of Sind administer the Salt Department in that province on behalf of the Central Government and I am not, therefore, in a position

at present to furnish all the information asked for by the Honourable Member. A reference has been made to that Government and I shall place the replies to these questions on the table of the House in due course.

Mr. Lalchand Navalrai: Could I know from the Honourable Member whether he knows that the concession was stopped without giving any notice and that these people are suffering very much.

The Honourable Sir Jeremy Raisman: I do not even know that!

DUTY-FREE INDUSTRIAL COLOURED SALT AND THE FISHING INDUSTRY IN SIND.

†169. ***Seth Yusuf Abdoola Haroon:** (a) Will the Honourable the Finance Member be pleased to state why the rules of 1939 governing the issue of the duty-free industrial coloured salt were subsequently amended in 1942 and, consequently, the Superintendent of Salt Revenue in Sind without giving any notice to the fishing community withdrew the said concessions for certain classes of fishermen and fish dealers numbering several hundreds of persons, and who all have been deprived of their daily bread?

(b) Are Government aware that the revised rules have practically caused a good deal of loss, difficulties and inconveniences to the *bona fide* fishermen and fish dealers who, in the ordinary course, were benefited by the said scheme?

(c) Are Government aware that since October 1942 when the revised rules were brought in force, several *bona fide* fishermen have been compelled to buy the duty-paid salt from bazar for fish curing and preserving purposes resulting in extra heavy expenses?

(d) Is it a fact that a vast quantity of natural salt is lying in collective heaps on the Southern Sea Coast line of Sind, and that there is a Patrol Launch belonging to His Majesty's Customs for patrol duty in the sea to watch that this natural salt is not smuggled for any consumption?

(e) Is it a fact that if the white duty-paid salt purchased from bazar for preserving catches of fish is found in the boats of fishermen who ply their fishing boats into the sea for catching fish and of those fishermen who are denied the supply of the duty-free industrial coloured salt under the said scheme they are hauled up and given much trouble by the Customs Preventive Staff on patrol duty, on the mere suspicion that the white salt found in their boats is the smuggled salt lying on the sea coast line? If so, why is the said scheme of duty-free industrial coloured salt not made on the permanent basis, and why is it extended from year to year?

(f) Is the Honourable Member aware that the Fishermen's Committee, Karachi, has recently submitted a memorial to the Government of Sind suggesting certain amendments in the said revised rules?

(g) If the answer to (f) above be in the affirmative, on what grounds were the said amendments not taken into consideration?

DUTY-FREE INDUSTRIAL COLOURED SALT AND HIDES AND SKINS MERCHANTS IN SIND.

†170. ***Seth Yusuf Abdoola Haroon:** Is the Honourable the Finance Member aware of the fact: (a) that hides and skins merchants are not being allowed to obtain the duty-free industrial coloured salt for the purpose of curing hides and skins; if not, why not; and

(b) That the local salt merchants who paid salt duty into the Government Treasury in the months of January and February, 1943, have not so far been allowed and permitted by the salt authorities in Karachi to take their supply of salt; if not, why not?

DUTY-FREE INDUSTRIAL COLOURED SALT AND HIDES AND SKINS MERCHANTS IN SIND.

†171. ***Seth Yusuf Abdoola Haroon:** Does the Honourable the Finance Member propose to consider the advisability of appointing an I.C.S. officer to the post of Superintendent of Salt Revenue in Sind, and that the rules for concession be applied to the hides and skin merchants in Sind to enable them to obtain the duty free industrial coloured salt for curing skins and hides?

†For answer to this question, see answer to question No. 168.

DESIRABILITY OF BRINGING DEFENCE OF INDIA RULE 26, IN LINE WITH REGULATION 18(b) OF ENGLAND.

172. *Mr. Govind V. Deshmukh: (a) Is the Honourable the Home Member aware :

(i) of the criticisms passed on Rule 26 of the Defence of India Rules and the comparison made by the Chief Justice of the Calcutta High Court in the judgment delivered in the Contempt of Court cases on the 14th July between this rule i.e., 26 and Regulation III of 1818;

(ii) that rule 26 is against a very old principle of law '*Audi Alteram Partem*', i.e., hear the other side; and

(iii) that under the Emergency Powers Act of 1939 passed in England, Regulation 18B, providing for the detention of a person not brought to trial, gives him an opportunity of knowing the grounds for detention and showing cause against the detention?

(b) Does the Honourable Member propose to bring rule 26 of the Defence of India Rules on the same lines as Regulation 18(B) 3, 4, and 5 as suggested by the Chief Justice?

The Honourable Sir Reginald Maxwell: (a) I am aware of the press reports referred to and of the allegation made in part (ii) which I do not necessarily accept. I am also aware of the provisions of the law in England.

(b) A copy of the judgment has been applied for but has not yet been received. On its receipt Government will consider what questions, if any, need examination.

Mr. K. C. Neogy: Is the Honourable Member considering the desirability of issuing injunctions to the Honourable the High Court not to indulge in such silly effusions in future?

The Honourable Sir Reginald Maxwell: The question seems to contain a reflection on the High Court.

Mr. K. C. Neogy: It involves no more reprehensible an attitude on my part than the attitude displayed by the Honourable Member.

The Honourable Sir Reginald Maxwell: That is not a question.

Mr. K. C. Neogy: Is the Honourable Member considering the desirability of issuing instructions to the censorship authorities that there should be strict censorship over such observations of the High Court in future?

(No reply was given.)

Mr. Govind V. Deshmukh: May I know the reasons why the Government do not necessarily accept the view laid down?

The Honourable Sir Reginald Maxwell: I do not think I can debate the matter in answer to a question.

Mr. K. C. Neogy: May I know

Mr. President (The Honourable Sir Abdur Rahim): I have already called upon the Honourable Member for the next question.

DESIRABILITY OF DISTINGUISHING MILITARY MEN WHO HAVE BEEN ACTUALLY WITHIN THE FIGHTING AREA.

173. *Mr. Govind V. Deshmukh: Will the War Secretary please state if Government intend to have a mark for the military officers as well as rank and file who have been actually within the fighting area to distinguish them easily from officers and others holding the same military rank who have been either in India or overseas but far away from the fighting lines?

Mr. C. M. Trivedi: The whole question of distinctive War service badges is under consideration in consultation with His Majesty's Government and Dominion Governments. A decision in the matter has not yet been reached.

Dr. Sir Zia Uddin Ahmad: Is the Government considering making some kind of distinction between the military officers who are actually serving on the front from those who are sitting in the offices, particularly in Supply Department?

Mr. C. M. Trivedi: I have said the whole question is under consideration.

Mr. Hoosainbhoy A. Lalljee: Do I understand that the Government of India is also in communication with the Dominion Governments in this matter?

Mr. C. M. Trivedi: I have already given the answer.

Mr. Hoosainbhoy A. Lalljee: The reply is that you are in communication with His Majesty's Government and the Dominion Governments. My doubt is that you are not directly doing it with the Dominion Governments.

Mr. C. M. Trivedi: I have said that we are in consultation with His Majesty's Government who is also in consultation with the Dominion Governments?

Mr. Hoosainbhoy A. Lalljee: Who is?

Mr. C. M. Trivedi: His Majesty's Government.

SILVER POLICY OF THE GOVERNMENT OF INDIA.

174. *Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to state:

(a) whether, in view of the progressive worsening of the food situation in the country, and in view of the suggestions made from certain competent quarters that in order that Indian peasantry should be offered acceptable store value so that they may willingly part with their produce, silver should be made available to them, the Government of India have decided that Indian silver, which is at present to their credit in London, should be brought back and made available to the Indian public;

(b) whether, in view of the recent acquisitions of large quantities of silver by the Government of the United Kingdom from the United States of America under lease-lend, the Government of India have decided not to sell any more quantities of their silver in London; and

(c) whether there is any truth in the reports that the question of making a request to the Government of the United States of America to provide India with silver on lease-lend is under the consideration of the Government of India?

The Honourable Sir Jeremy Raisman: (a) As I have explained on more than one occasion to the House, the Government of India have never held more than a fraction of their silver stocks in London. The small stock which existed in London at the beginning of the war was finally disposed of long ago so that this part of the question does not arise.

(b) His Majesty's Government have not approached the Government of India for any further sales to them since I replied to Mr. Lalchand Navalrai's question No. 53 on this subject on the 12th February last.

(c) It would not be in the public interest to confirm or deny these reports at present.

Mr. Jamnadas M. Mehta: Are Government aware that between 1927 and today, about Rs. 100 crores worth of silver has disappeared from the Currency Reserves, and will they say where it has gone?

The Honourable Sir Jeremy Raisman: I am afraid that I am in no better position than my Honourable friend to say where a great deal of the silver currency has gone.

Mr. Jamnadas M. Mehta: But my Honourable friend has had the control of it. I had not. Otherwise I would have told him.

Sardar Sant Singh: May I know if the Honourable Member is aware that during the last war when stocks were purchased from cultivators they were paid 50 per cent. in gold and 50 per cent. in paper currency?

The Honourable Sir Jeremy Raisman: I have no precise recollection of that fact though I know that gold was used to some extent during the last war.

Sardar Sant Singh: Will he follow the same policy now, too?

The Honourable Sir Jeremy Raisman: I regret I cannot answer that question at this moment.

Dr. Sir Zia Uddin Ahmad: What is the cause of the abnormal rise in silver in terms of the paper rupee?

The Honourable Sir Jeremy Raisman: That is not a matter which could be answered simply in reply to a question on the floor of this House, but I consider

that speculative movements in the bullion market had a great deal to do with part of the rise.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Gentleman contemplating to stabilize the prices of silver in terms of the paper rupee?

The Honourable Sir Jeremy Raisman: I am not quite clear what kind of action the Honourable Member contemplates.

Dr. Sir Zia Uddin Ahmad: By stabilising I mean no fluctuations. The stabilisation of the price of silver is the first element, without which the stabilisation of other articles will be impossible.

The Honourable Sir Jeremy Raisman: Government are certainly desirous of preventing undue fluctuations in the value of any important commodity, such as silver, and in particular they are determined, as far as possible to prevent any sharp rise in price.

Sir Cowasjee Jehangir: Has Government issued lately an Ordinance in this matter?

The Honourable Sir Jeremy Raisman: Yes, Sir. Government of India have taken power to prohibit bank advances against bullion.

Sir Cowasjee Jehangir: At what stage will Government take action in this matter?

The Honourable Sir Jeremy Raisman: When they consider that the prevalence of speculation in the bullion market justifies that action.

Sir Cowasjee Jehangir: In their opinion?

The Honourable Sir Jeremy Raisman: Yes, in their opinion.

Sir Muhammad Yamin Khan: Does the Honourable Member think that the price in silver which is in present coins of the country has gone up because there is very little silver in the present rupee and everybody counts the price of the silver of a rupee in the rupee coin itself?

The Honourable Sir Jeremy Raisman: If that were the determining factor then the price would be different from what it is today.

Dr. Sir Zia Uddin Ahmad: Does the Honourable Member realise that any effort on the part of the Commerce Member to stabilise the price will be impossible unless the Finance Member considers it as a part of the monetary policy of the country that the stabilisation of prices should be taken up first and he should begin with silver?

The Honourable Sir Jeremy Raisman: I have already said that the object of our policy is to stabilise the prices of all important commodities and in pursuing that policy it is naturally also the object of Government to act simultaneously on all sections of the economic front.

Dr. Sir Zia Uddin Ahmad: Why does not the Honourable the Finance Member give us an opportunity to discuss this very important question and fix a date?

The Honourable Sir Jeremy Raisman: I understand that a Resolution by the Honourable Member has already gained first place in the ballot, and therefore there is no necessity for allotting a special day.

Dr. Sir Zia Uddin Ahmad: But that Resolution deals with a very small part of the monetary policy.

The Honourable Sir Jeremy Raisman: But it is open to the Honourable Member to raise all relevant questions on that discussion.

UNSTARRED QUESTIONS AND ANSWERS.

HOARDING OF COMMODITIES WITH THE HELP OF LOANS SECURED FROM BANKS, ETC.

32. Mr. K. O. Neogy: Will the Honourable the Finance Member be pleased to furnish:

(a) what information he possesses indicating excessive hoardings of commodities by the public or traders, with the help of loans secured by them from banks or money-lenders against the security of bullion or stocks of commodities; and

(b) statistics in regard to the volume of hoarding of commodities as well as the volume of loans received by hoarders or lending institutions which are utilised for purposes of hoarding stocks of commodities?

The Honourable Sir Jeremy Raisman: (a) I am not prepared to divulge either the nature or source of the information in my possession regarding these matters.

(b) The collection of exhaustive figures on the lines suggested would prove a formidable, if not impossible task, involving an altogether disproportionate amount of labour.

VOLUNTARY DEPOSITS OUT OF EXCESS PROFITS.

33. Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to state:

(a) what response has so far been received from the assesseees to the scheme of Voluntary Deposits out of excess profits, giving figures showing the amounts of such voluntary deposits received by Government from the E. P. T. assesseees; and

(b) the number of E. P. T. assessments completed so far in each province, and the number of E. P. T. assessments outstanding and waiting to be completed in each province?

The Honourable Sir Jeremy Raisman: (a) The response received from E. P. T. assesseees has not been satisfactory, the amount deposited upto the 31st May, 1943 being about rupees two crores only, which is a little more than half of the amount that could have been deposited;

(b) Information in respect of each province is not readily available. The following figures show for each Commissioner's charge, the number of cases in which returns have been received, the number of assessments so far completed (including cases filed as 'no liability' cases) and the number outstanding upto the end of June 1943:

Charge.	No. of returns received.	Cases completed.	Cases yet to be completed.
Madras	1828	1721	117
Bombay, Sind and British Baluchistan	4587	3905	682
Bengal	2546	2110	436
Central and United Provinces	1340	1261	79
Punjab, N.-W. F. and Delhi.	1080	1013	67
Bihar and Orissa	623	637	46
Assam	51	44	47
Bombay (Central)	180	105	75
Calcutta (Central)	137	60	77
Total	12,442	10,856	1,586

MACHINERY FOR SCRUTINISING AND CONSIDERING APPLICATIONS FOR CONSENT TO ISSUING OF CAPITAL.

34. Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to state in regard to the administration of the Defence of India Rule 94-A (Control of Capital Issues):

(a) what machinery Government have evolved for scrutinising and considering the applications received by them for their consent to the issuing of capital; and

(b) whether any non-official representative of commerce and industry is associated with this machinery to scrutinise and consider the applications?

The Honourable Sir Jeremy Raisman: (a) An Examiner of Capital Issues has been appointed. His duties are to see that all necessary information has been supplied, to obtain the advice of the appropriate authorities and thereafter to obtain the orders of the Government of India and communicate these orders to the parties. The appropriate authorities include, in the case of industrial ventures, the Departmental Committee referred to in the Press Note of 18th May, 1943 a copy of which is appended and, in the case of financial concerns

such as banks insurance companies, finance and investment companies, a reference is made to the Reserve Bank of India, as stated in that Press Note. In appropriate cases, the Examiner consults other Government departments; for example, the War Transport Department, when the proposals involve important movements of goods by rail in war time, and the Superintendent of Insurance in the case of insurance companies.

(b) No.

NOT TO BE BROADCAST OR PUBLISHED BEFORE MAY 18, 1943.

Press communiqué.

A new Defence of India Rule No. 94A has today been issued under section 2 of the Defence of India Act, 1939, prohibiting :

(1) without the prior consent of the Central Government :

(a) an issue of capital in British India,

(b) any public offer of securities for sale in British India,

(c) the renewal or repayment of any security maturing for payment in British India,

(2) without the prior consent of the Central Government an issue of capital anywhere, whether within or without British India, by any company incorporated in British India,

(3) the issue in British India of any prospectus or other document offering for subscription or publicly offering for sale any security which does not include a statement that the consent of the Central Government has been obtained to the issue or offer of the security,

(4) subscription for any securities issued by a company in respect of any issue of capital made in British India or elsewhere unless such issue has been made with the consent of the Central Government.

Applications which are made to the Central Government in pursuance of the provisions of this rule should be addressed to the Secretary to the Government of India, Finance Department. Such applications in so far as they relate to issues of capital in connection with proposed industrial enterprises will be considered by a departmental committee on which representatives of the Commerce and Industries and Supply Departments will be associated with the Finance Department. The Reserve Bank of India will be consulted in regard to applications involving the issue of capital for proposed financial enterprises, including banks, investment and finance and insurance companies. The object of the rule is to prevent in the circumstances of the present time the growth of mushroom companies which stand little chance of survival in the post-war period and other undesirable practices such as the reconstitution or recapitalisation of concerns on the basis of their present abnormal profits to the detriment of an indiscriminating investing public. There is no intention of handicapping or retarding sound and legitimate industrial development or expansion calculated to promote the war effort of the country or to increase production to meet the civil requirements of the country at the present time or in the near future, in which cases the application for sanction will encounter no difficulty.

Finance Department.

New Delhi, May 17, 1943.

APPLICATIONS RECEIVED AND SANCTIONED REGARDING THE ISSUE OF CAPITAL.

35. Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to furnish statistics as regards the number of applications received by Government in connection with the issue of capital in respect of each industry under the Defence of India Rule 94-A?

(b) How many of the applications received have been sanctioned by Government under the heading of each industry?

(c) Out of the applications sanctioned, what is the number of those that relate to new companies, and the number of those that relate to the issue of capital by companies incorporated before the promulgation of the said Rule 94-A?

(d) What is the total amount of capital in respect of each industry that has been permitted to be issued and the amount in respect of which permission may have been refused so far?

The Honourable Sir Jeremy Ralsman: (a) Up to 24th July, 726 applications. Classification has not yet been made.

(b) Out of 271 applications sanctioned up to that date, 18 represented conversions involving no new money. Of the balance, 112 related to industrial concerns. Classification of the results as between different industries has been taken in hand, but has not yet been completed.

(c) Out of the 271 consents already mentioned 182 related to new companies. The expression "new companies" is here used to include not only companies

registered on or after 17th May 1943, but also companies registered shortly before the date which had not made their initial issue of capital by that date.

(d) This information is also being compiled but is not yet available.

INDIAN SILVER HANDED OVER TO THE UNITED KINGDOM GOVERNMENT, ETC.

36. Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to lay on the table:

(a) the figures of the total quantities of the Indian silver that the Government of India have year by year handed over to the Government of the United Kingdom since the time of the establishment of the Reserve Bank of India in 1935;

(b) the total quantity of silver so far sold by them year by year since that time; and

(c) the average rates on which this silver was and is being sold?

The Honourable Sir Jeremy Raisman: (a) and (c). No sales of silver were made to His Majesty's Government in the years 1936-37 and 1937-38 and only insignificant sales in the year 1938-39. In regard to the subsequent years I would invite the Honourable Member's attention to the reply I gave to part (a) of his starred question No. 62 on the 16th September last.

(b) Figures for the total sales of silver will be found in the Appropriation Accounts for each year.

THE RECIPROCITY (AMENDMENT) BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): I think the issue under discussion was a new clause to the Reciprocity Bill by Sir Syed Raza Ali.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I wish to add a few words and draw the attention of the Legislature that it should remove all kinds of uncertainties. It is for this purpose that the Honourable Member moved this amendment. But the punishment to be inflicted for the violation of rules should be such that the trial Courts may not find any difficulty in exercising their judgment. With these words I support the amendment.

Sir Vithal N. Ohandavarkar (Bombay Millowners' Association: Indian Commerce): In regard to this amendment, in my opinion there are only two tests to be applied. According to the strict principles of jurisprudence, it is quite true that all provisions regarding punishment should be in the statute itself, and, as far as possible, the House should be most reluctant to leave such matters in the hands of the Executive. But there are two considerations. The first is, where is the balance of advantage? I take it that the Government wants a little more elasticity in this measure. If they want to retaliate against any offending country, they would like to correlate our punishment with the punishment provided in the corresponding Dominion's statute. If any particular Dominion levies, say, £500 as fine for an offence our Government also wants that their hands should not be bound down by a provision in the statute itself but that it should be left to the rule-making power in order to provide a corresponding punishment for a similar offence committed by the national of that particular Dominion. If the House desires that the principle of retaliation should be effectively enforced, I personally feel, although as a lawyer I agree with Mr. Neogy that we should be most reluctant to leave such a power in the hands of the executive Government, yet in this particular case realising as I do that the object of this measure is to retaliate,—I feel that the House will be well advised to leave this power in the hands of the Government and not to pass this amendment which might hamper the freedom of the Government if they want to take suitable retaliatory action.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I am speaking now because of the speech of the last speaker. I think the Government knows that the matter under discussion is as regards South Africa and this House is not concerned at all with other colonies. If the Government had

[Sir Muhammad Yamin Khan.]

seriously thought about what punishment should be given to the people of that Dominion, they could easily have found out by this time what punishment should be proposed for such people, and this House would have been fully prepared to accept any proposal from the Government as regards the punishment they want to impose. In the absence of any indication from the Government as to what their proposals would be, this House is justified in proposing the punishment as outlined in this amendment. But we shall be fully prepared to accept any amendment which may be made either now, or if they have not got the time or the Honourable the President does not allow it, then they can make an amendment in the other House when this Bill goes there and bring it back to this House.

This House will then at once accept any reasonable proposal as regards punishment by the Government. But on the principle that this House itself should provide punishment in the Bill itself, these proposals have been made, and in the absence of any contrary or other proposals, I think this House should accept what has been proposed by the amendment.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I am afraid my Honourable friend, Sir Vitthal Chandavarkar, has missed the point. Reciprocity is as regards qualifications or disqualifications and not as regards punishment; and so far as punishment is concerned, we have given a latitude by this Bill as regards fine and imprisonment. For the present I do not think Government are in a mood to impose a heavier punishment than what is provided in this particular amendment. It seems to me that the House itself is quite satisfied if the punishment to be awarded is one year. But if the House considers afterwards that that punishment is not sufficient, it may come forward with its own proposals. But our present fear is that if we do not fix a period like this now and give an indication of the line on which the Government should proceed—our fears are that you will not provide substantial punishment if any South African commits a breach of the rules that will be made. I therefore hope that the House will support the amendment.

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

'That after clause 5 of the Bill, the following new clause be inserted and the subsequent clause be re-numbered accordingly:

"6. After section 6 of the said Act, as substituted by the foregoing section, the following section shall be added namely:

"7. Any person guilty of disobeying a rule made by the Central Government under section 6, sub-section (3) part (c), shall, on the complaint of an officer appointed or designated by the Central Government in this behalf be punished, on conviction by a Magistrate of the First Class, with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both."

The Assembly divided:

AYES—29.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Deshmukh, Mr. Govind V.
Easak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Joshi, Mr. N. M.
Kailash Bihari Lall, Mr.
Lalchand Navalrai, Mr.

Lalljee, Mr. Hooseinbhoy A.
Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Murid Hossain Qureshi, Khan Bahadur
Nawab Makhdum.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

Ahmad Nawaz Khan, Major Nawab Sir.	Lawson, Mr. C. P.
Aiyar, Mr. T. S. Sankara.	Mackeown, Mr. J. A.
Ambedkar, The Honourable Dr. B. R.	Maxwell, The Honourable Sir Reginald.
Benthall, The Honourable Sir Edward.	Miller, Mr. C. C.
Bewoor, Sir Gurunath.	Muazzam Sahib Bahadur, Mr. Muhammad.
Chandavarkar, Sir Vithal N.	Mudaliar, The Honourable Dewan Bahadur
Chapman-Mortimer, Mr. T.	Sir A. Ramaswami.
Chatterji, Mr. S. C.	Noon, The Honourable Malik Sir Feroz
Daga, Seth Sunder Lall.	Khan.
Dalal, Dr. Sir Ratanji Dinshaw.	Pai, Mr. A. V.
Griffiths, Mr. P. J.	Raisman, The Honourable Sir Jeremy.
Gwilt, Mr. E. L. C.	Richardson, Sir Henry.
Habibur-Rahman, Khan Bahadur Sheikh.	Sargent, Mr. J. P.
Haidar, Khan Bahadur Shamsuddin.	Shahban Khan Bahadur Mian Ghulam
Imam, Mr. Saiyid Haider.	Kadir Muhammad.
Ismail Alikhan, Kunwer Hajee.	Siva Raj, Rao Bahadur N.
James, Sir F. E.	Spear, Dr. T. G. P.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Spence, Sir George.
Jehangir, Sir Cowasjee.	Sultan Ahmed, The Honourable Sir.
Joshi, Mr. D. S.	Thakur Singh, Major.
Kamaluddin Ahmad, Shamsul-Ulema.	Trivedi, Mr. C. M.
Khare, The Honourable Dr. N. B.	Tyson, Mr. J. D.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): There is another amendment to clause 5, standing in the name of Sir Raza Ali. He said that this amendment is consequential on the adoption of the new clause.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): This was to be a consequential amendment. After the voting on the amendment which has just now been announced, I do not propose to move this amendment.

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

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 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. N. B. Khare (Member for Indians Overseas): Sir, I move:

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

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

"That the Bill, as amended be passed."

Sir Syed Raza Ali: At this stage which is the final stage, I would like to say a few words on the action that we have taken by agreeing to pass this Bill. Sir, I do not know what to say about the attitude of the Government of India. Like the famous Curate's egg, I believe it is good in parts. That is the utmost that I can say about the action of the Government of India. I must compliment my Honourable friend Dr. Khare who started in right earnest by convening a conference on the 7th of last month. That raised our hopes. We thought that after all here was a man of action who had succeeded another man of action. Let me make it clear that I had the pleasure of working with Mr. Aney, who unfortunately is no longer a Member of the Government of India or of this House, for more than 18 months. Now, that he is not here, let me say openly that I have not known any Overseas Member acting so courageously, so bravely and so independently as Mr. Aney did. It is too early to say anything about the Honourable Dr. Khare, but 12 Noon. the speeches that he makes in this House mostly consist of monosyllables. They are uttered in under-tones and altogether his attitude seems to be apologetic to the South Africans.

The Honourable Dr. N. B. Khare: Brevity is the soul of wit.

Sir Syed Raza Ali: Sir, my Honourable friend is right, but if he would look at his own colleagues, the most important of whom made a speech yesterday lasting an hour and a quarter, then I do not think the claim of brevity, being the soul of wit would hold good.

[Sir Syed Raza Ali.]

Sir, the position is this. I am glad that this House has displayed some degree of unanimity on this occasion, but while I am not dissatisfied with what we have done to this Bill, I think the public cannot derive much good from it. The Indian Legislature cannot be of much help having regard to the constitution under which we are working. It is the Honourable Member Dr. Khare and the Government of India that count. Now, I hope my Honourable friend, after this Bill is passed which will I trust be done in a few minutes, will not take the view that he has done his duty. The time for action will come after the Bill is passed. The passing of a Bill is more or less a nominal thing. Again, the Bill itself is not sufficient if we are to awaken the sense of responsibility in the Union Government which it owes to its Indian South African nationals. Speaking generally, my comment on the policy of the Government of India is that the Government of India's policy always consists of defence; they are always on the defensive, they never think of taking the offensive. That is a very wrong policy. The best form of defence is to take the offensive and that unfortunately the Government of India have never done. My Honourable friend can say that there was no occasion for the Government of India to take the offensive so far as our relations with South Africans are concerned. That occasion was, if I may be excused for making a personal reference, when I was in that country and I put all my heart into the question of popularising the idea of giving franchise to Indians. I worked very hard for two and a half years. I addressed scores of meetings. A number of Indo-European Associations favoured this movement and that was just the proper time because the Native Franchise Bill had been passed. The South African is a manly fellow. Whatever his attitude may be towards our countrymen, the South African loves a fight. He loves giving a blow and does not mind receiving a blow in return. But the Government of India were frightened by his manliness. My attitude towards these people was that if they gave me a violent blow, I gave them an equally violent blow within 24 hours. I do not know what they thought of me but the general impression is that I got on very well with these fellows. That was the time when the Government of India ought to have concentrated on this question. I am not going to disclose what happened. I can say this that the Honourable Member in charge never stopped me from pursuing the policy I was pursuing. But my successor whom the Government of India appointed was a member of the Indian Civil Service and they knew that if another public man was to succeed me, they could not have their own way. Therefore, a man of the Indian Civil Service was appointed who would take his orders submissively from the Government of India without exercising his own judgment.

Mr. Lalchand Navarai (Sind: Non-Muhammadan Rural): Did he upset your schemes?

Sir Syed Raza Ali: That gentleman was an Indian and he is a friend of mine. But whether the holder of the post is an Indian or an Englishman, nothing turns on that. Every member of the Indian Civil Service they appoint will wear the colour that is given to his political views by the Government of India. It will not be so with a public man. A public man after all is a public man. After five years, today is the first day that I have come across the word 'franchise' used by the present High Commissioner for India. Never before was the word 'franchise' used either by the High Commissioner or by the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): This is the third reading of the Bill and the Honourable Member should not deal with matters outside the Bill.

Sir Syed Raza Ali: This Bill is a large part of the Government of India . . .

Mr. President (The Honourable Sir Abdur Rahim): This is not the time for this kind of speech.

Sir Syed Raza Ali: The point is this that if the Government of India know what they are going to do and how they are going to protect the interests of Indians from those Dominions, Colonies and Possessions which may take it into their heads to pass anti-Indian legislation, they have got to be quite clear and definite on the subject. My impression is that this Bill, important though it may be, only touches the fringe of the main problem. The main problem is much bigger. So far as the Bill is concerned, the most important thing that has got to be done by the Government of India, and the sooner it is done the better, is to make rules under that clause which empowers the Government of India to do so. If they are dilatory on this question, if they procrastinate and take a jolly long time to make rules, that would defeat the object of the Bill entirely. The whole subject was discussed the other day. I believe the debate that took place on most aspects of the question would be vivid to the mind of the Honourable Dr. Khare and I hope he will take action on the entire problem and will also avail himself of the rule-making power that has been entrusted to the Government by this Bill. This Bill is a very short measure; it is a halting measure, somewhat of a hesitating measure, but if the Government of India supplement the provisions of this Bill by taking courageous action in other directions, it may be that we will still go down but I hope in that case we will go down fighting.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadian Rural): Sir, I had no desire to make a speech on this particular occasion, but as I had not the right to make a second speech on the last amendment that was defeated by the House, I desire to make a very few observations for the purpose of knowing from the Government as to the method which they propose to adopt in framing rules regarding the enforcement of punishments. It took my breath away when my Honourable friend Sir Vithal Chandavarkar described himself as a lawyer. The attitude taken up by the Honourable Dr. Khare is excusable because he is not a lawyer. He said that we will have to regulate our punishments according to the scale of punishments prescribed by any offending colony.

The Honourable Dr. N. B. Khare: I am a surgeon.

Mr. K. C. Neogy: Very well. He should not venture to open his mouth on such questions. It is in a spirit of enquiry that I am making a few observations. Do I take it that there will be different types of punishments prescribed for the same kind of offence, if committed in respect of different colonies? For instance, if the infringement of any particular rule which may be prescribed by us takes place in the case of, say, a citizen of a particular colony, he will have to pay a fine of, say, one rupee, but if that same offence is committed by a citizen of another colony, he may be given a few stripes! Is that what is intended? If that is so, I should very much like to hear what the ex-Law Member of the Government of India has to say, and what he thinks about this scheme, and whether he is aware of any precedent in the whole legislative system of the world which might be cited in support of such a fantastic idea.

The next thing is this. We know that different codes prescribe only the maximum punishment in respect of different offences. Now, Sir, the code of a particular Dominion may have prescribed the maximum punishment in respect of the infringement of a rule which may be operating there, against which we want to retaliate here. Now, Sir, is my Honourable friend Sir Vithal Chandavarkar going to put forward the suggestion that in so far as the punishment to be inflicted in this country, must correspond exactly to the punishment which is permissible to be inflicted in the offending Dominion, we had better send the records of the particular case to the Government of that Dominion for advice as to what should be the punishment that is to be passed, having regard to the circumstances of the case, because otherwise the principle of strict reciprocity cannot be observed?

Mr. President (The Honourable Sir Abdur Rahim): The House has already rejected that amendment.

Mr. K. C. Neogy: I want information as to how the Bill as now amended is going to work in practice so far as this aspect is concerned?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may make constructive suggestions.

Mr. K. C. Neogy: There is just one more observation and I will resume my seat. Does the Honourable Member suggest that there should be strict reciprocity in these matters of punishment in each individual case, and would he go so far as to give directions to the Magistrate that the punishment to be passed in a particular case must not exceed so much, or must be in the nature of a particular sentence in order to conform to his remarkable ideas of reciprocity? I definitely want information from whomsoever may vouchsafe it from the Government Benches—it may be the Honourable the Law Secretary, or it may be the *ex*-Professor of Law whom I find on the front Bench in the person of my Honourable friend Dr. Ambedkar,—as to what exact course the Government is going to pursue in this matter.

Sir F. E. James (Madras: European): Sir, I rise not only to congratulate my Honourable friend the Member for Indians Overseas on having piloted the Bill so far but also to clear up a misunderstanding as to our position on this Bill which apparently yesterday's debate upon clause 4 of the Bill revealed. The House will remember that this Group took a certain view of the amendment moved by my Honourable friend Sir Syed Raza Ali to reduce the period of exemption, from directions issued by the Central Government under that clause, from twelve months to six months. We took that view on purely practical grounds, a view which was incidentally shared by the Honourable Member for Defence. Sir Syed Raza Ali himself agreed when I said that in opposing his amendment, we were not doing so on the ground of any principle involved in the Bill. I remember my Honourable friend agreed and accepted that position.

Sir Syed Raza Ali: What all I said was that 'no question of principle is involved'.

Sir F. E. James: My Honourable friend accepted that. But subsequent speakers, and in particular my Honourable friend Sir Vithal Narayan Chandavarkar persisted in suggesting that our attitude on what we regarded as a minor point modified, qualified and toned down the genuineness of our support of the Bill in particular and our attitude to the cause of Indians overseas in general. Now, Sir, I submit that that is hardly fair to the record of the Group in this House. It is true that yesterday we opposed this particular amendment. The Government of India itself did not know its own mind; it wobbled so much that it very nearly fell over itself. But when we realised that the feeling in the House was strong on this matter, we advised the Government Whip that we would withdraw our objections to the amendment, and eventually the Government accepted the amendment. Now, Sir, I should be sorry if any one in this House went away with any misunderstanding of our position as a result of the discussion on this small point. I should be very sorry if my Honourable friend Sir Vithal Narayan Chandavarkar, who is an old and valued friend of mine, were under the slightest misapprehension as to our position on this Bill. He has not been a Member of the House for a very long time, but I would remind him that for the last 15 or 20 years this Party has supported without reserve or qualification the cause of Indians overseas in this Legislature. I myself have on many an occasion asserted, as I did the other day, that if these difficult racial problems are not capable of solution within the British Commonwealth and Empire, then those institutions will, as soon as their component parts secure their freedom, cease to be an association of various races and nationalities, and will become a commonwealth of white races alone. That would, in my view, be a great tragedy. A great ideal in which many of us have firmly believed, and still believe, would be lost for ever. This Party, of course, is entitled to express its views, as I hope the House will realise, as to the methods to be employed in dealing with these difficult problems, and the manner and the time of their operation. But I do trust that the House will in future realise that such views, on what I may call the minor and practical issues not affecting principle, do not qualify or modify in any way whatever our general attitude to the problems relating to Indians overseas. I most sincerely trust that the House will accept this unequivocal statement of our declared policy. It is not

new, it is only a repetition. It is in the spirit of a policy which has now been pursued so long by this Party that it has almost developed into a tradition, it is in the spirit of that policy that we unreservedly support this Bill and hope that the House will shortly pass it into law.

Sir Vithal N. Chandavarkar: Sir, I would not have addressed the House had not Mr. Neogy and Sir Frederick James referred to a few observations that I made in the course of the debate. With regard to Sir Frederick James I should like to assure him that I had not the slightest intention to cast any slur on the honesty of purpose of the European Group. It is true that I have been a Member of this House for only a very short period, but I may assure him that ever since I began to understand the English language, I have been following the proceedings of this august Assembly very closely as also the proceedings of my own Provincial Council. I was also present at a meeting held in Bombay Town Hall in December 1918 when we met to protest against the policy of the South African Government. The meeting was held under the presidency of His Highness the Aga Khan and all the old stalwarts of Bombay in those days were present, and among these stalwarts were influential members of the European community in the city of Bombay. In their speeches and their attitude, their indignation was as strong as that of any Indian. Those of us who come from Bombay know the valued support that we have received from the European community in these matters and also in several other matters affecting the welfare of this country. Whatever may be the experience of other centres, those of us who come from Bombay, whatever differences we might have with the Europeans on other important matters, have had the privilege and pleasure of working whole-heartedly with the Europeans of our city in this matter.

As for Mr. Neogy I am afraid he misunderstood me. As far as the general principle is concerned, I am whole-heartedly with him that we should not leave the question of punishment to Government in the exercise of their rule-making powers. I do not refer to any other cases; I refer to the punishment to be provided for offences. As to what the quantum of punishment should be in particular cases, even a first-year student of the Law College knows that the matter is entirely in the hands of the courts and not in the hands of the Executive Government. The legislature can only provide the maximum punishment. If the amendment in question had been accepted, the punishment provided in that amendment would have been the maximum punishment and the hands of Government would have been tied. Even if Government wanted to enhance the maximum punishment, they would have had to come to the Legislature which meets at intervals twice or thrice a year, for amending the law. But, as I understand the situation, as a result of the defeat of this amendment the hands of Government are free and by the exercise of their rule-making power they can adjust their policy to the conditions of different colonies, and provide suitable maximum punishments. As for the awarding of punishment I do not think it is necessary

Mr. K. O. Neogy: Sir, may I interrupt my Honourable friend? Is it his intention that the maximum punishment to be prescribed by rule in respect of one and the same offence should be different in the case of the different offending colonies?

Sir Vithal N. Chandavarkar: That is a matter of policy which I take it Government will decide. But if the South African Government provides for an imposition of a fine of £500, I would like my Government to provide for a fine of Rs. 7,500. If any other colony is not so harsh and is disposed to be more lenient, it is open to Government to make a different rule.

Mr. K. O. Neogy: May I have the Honourable Law Member's opinion as regards the juristic principle enunciated by the Honourable Member?

Sir Vithal N. Chandavarkar: It is not a question of any mere abstract principle of legislation or a penal measure. We are not dealing with a penal code dealing with offences of moral turpitude. It is a question of mere retaliation, and as to what the extent of that retaliation should be I will support any

[Sir Vithal N. Chandavarkar.]

provision which leaves Government a free hand, whether you believe in their honesty of purpose or not. In the present case, I, for one, am prepared to trust the Honourable the Overseas Member to safeguard the interests of the country.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to congratulate the Honourable the Overseas Member for acting so quickly and clearly in this matter. Treasury Benches have acted in a manner which will satisfy the aspirations of the people. Very often with regard to the question of Indians overseas Government have respected the wishes of the people, and if we had some differences with Government that was because they would not enforce measures which the people desired. Our difference with Government in this case was with regard to the period of six months and 12 months. There also Government clearly said that their intention was not that it should not come as early as possible but that there were administrative difficulties; and I have no reason to believe that they are not as anxious as we are to move in the matter. There has also been a lot of discussion with regard to the penalty but there also it is clear that Government are anxious to inflict such penalties as the case would deserve. Many of us of course feel that if it is in the Act it will strengthen the hands of Government; and my plea as a businessman is that even now if they take our advice it will strengthen their hands and enable them to carry out their wishes. I agree entirely with Sir Vithal Chandavarkar that in Bombay as also in other parts of India our European friends,—though I like better to call them our British friends,—have been very fair and sympathetic with regard to this question of the treatment of Indians overseas. And I believe they can exert a good deal of influence over their people in England as well as in South Africa and help to avoid the prevailing bitterness. Sir, I once again congratulate Government on having carried out at once the desires of this House and acted seriously in this matter of the treatment of Indians in South Africa.

Sir Muhammad Yamin Khan: Sir, I am glad that Government did not lose any time in bringing this measure before the House and they realised the feeling of the country in regard to this matter, and I whole-heartedly support this Bill. We had our differences with regard to certain clauses but we abide by the decision of the House as declared by the voting. I do not want to go into the details of the different clauses as have been adopted here.

I am very glad that my Honourable friend, Sir Frederick James, has made the position of his Group very clear, and I am glad that they are at one with the rest of the Indians in this matter and they will give their wholehearted support as far as the treatment of Indians in the Colonies and Dominions is concerned. I am also very thankful and grateful to Sir Frederick James for the revelation which he has made, namely, that the Government was guided by their views in withdrawing the objection which they had proposed. As soon as the Government found that the European Group had no objection, they accepted the amendment of this House. It is a great revelation indeed and I am glad that Sir Frederick James has enlightened this House that the Government is always guided by the views of the European Group even in matters on which the Indian section feels very strongly, and they can only accept the amendments if the European Group has got no objection. The House ought to be very grateful to him for knowing this secret understanding between the Government of India and the European Group.

Another suggestion which I would like to make is this: The House will remember that in the beginning of the war—probably it was in 1940—this House showed great leniency to the South Africans in not raising any objection to their getting into the Army, and I suppose there are many people from South Africa who have got Emergency Commissions in this country. In giving effect to the provisions of this Bill, I suggest that the Government should not forget this fact. The feeling of Indians is that these people should not be placed over their head as officers. The Government should see that either these people,

who have got the King's Commission or the Emergency Commission for the duration of war, should be sent back from the Indian Regiments to the British Regiments or to any other Regiments—I have no suggestions to make in this respect—but they should certainly be removed from every position in which they are in any capacity working as officers over Indians. That position we do not want to see. As they hold Commissions and are British subjects I cannot make a proposal that Commission should be taken away from them, because that is a service to the King and the Empire and they have to remain in that capacity. I only want that these people should be transferred to such positions where no Indian may feel that he is placed under any man from South Africa.

Another suggestion I would like to make is that those people who gave their nationality in the beginning as 'domiciled in South Africa' should not be allowed to change it now, and any plea that domicile has been changed since then should not be accepted. Whatever nationality was given at the time of recruitment or getting the Commission should remain as absolute for the present until further decision is made by this House.

These were the suggestions I had to make. The courtesy shown by this House in the matter of treatment of their nationals has not been properly responded to by the South Africans and they should not be allowed to utilize that any more to their own benefit and to our disadvantage. They must realize that we feel that they have not correspondingly shown us the same treatment which was shown to them, and therefore we want to withdraw that. With these few words I support the Bill as it emerges now.

Sardar Sant Singh (West Punjab: Sikh): Sir, I support this Bill. I have watched with interest the first activity of the Honourable Member whom we had the privilege of associating with on the Bench just opposite to that where he is sitting today. The change from that Bench to this Bench probably has been a revolutionary one, and the first Bill that he has been called upon to pilot in this House is a battle between the two feelings which I am sure he possesses today: One is the feeling of independence which he used to show from the Opposition Benches and the other is the re-reading of the Government of India Act by which he has come to realize that the Government of India is not a sovereign body. It is a subordinate body and as such it takes its inspiration not from this House or from the people of this country but from the Secretary of State sitting in England. Conflicting feelings of this sort must have modified him a great deal when framing this particular Bill.

There is no doubt that this country is in a very unhappy position in regard to its nationals living abroad, particularly in South Africa. It is always at critical moments that the South African Government moves to place more restrictions upon the liberty and the freedom of the Indians living there. It is surprising to note why the British people and the American people and those Governments which are in alliance with the British people at this critical juncture have permitted one of themselves to take a measure which can be said, without any fear of contradiction, to help Hitler rather than the cause of Allies. To go against the nationals of this country who are living in an Empire which is said to be 'Commonwealth of Nations' is really to help those who are against us and who are our enemies. However, that step has been taken. An appeal has been made to us that we should not be guilty of the same act as the South Africans are. There is a good deal of force in this argument, but may I ask those who make this appeal whether they realize that the courtesy and oriental culture which is behind such an appeal has been understood in that country as a sign of weakness and not as a sign of greatness. In a country where such considerations are taken to be our weakness, we are afraid we are compelled to take action which will show that we are not weak but we have got some self-respect and we can retaliate also. What form this retaliation is to take is a matter left entirely in the hands of the Executive Government.

The very fact that his Bill was passed in the last Session of the Assembly and it has been amended today, should give an impression to the world at large.

[Sardar Sant Singh.]

that India does not mean to remain at standstill but is bent on taking some action. Certain aspects of retaliation have been indicated by several Honourable speakers who have preceded me. I am at one with them. But may I ask Honourable Members that without taking into consideration the question whether proportionately we can hit back as strongly as South Africans can hit Indians, will it not be the right way to hit back even if it is to hit them mildly?

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member speaking with reference to this Bill?

Sardar Sant Singh: I am referring to the Bill. Hitting back is an indication that we refuse to accept this humiliation lying down. There are certain imports from South Africa to this country and *vice versa*. Isn't it possible to stop them? The other method which I want to endorse is the view expressed by my Honourable friend who preceded me. As regards commissions in the army, it may not be practicable politics to say that these commissions should not be taken, but it is practical politics that they should be transferred to other units. At the same time I would suggest that the Government should adopt the policy of refusing to issue fresh commissions.

Sir Muhammad Yamin Khan: Which Government should refuse issuing Commissions?

Sardar Sant Singh: The Government of India.

Sir Muhammad Yamin Khan: But the commission is given by the King.

Sardar Sant Singh: But it is not without consultation with the Indian Government. I assume that they have a voice in such matters and they will assert themselves.

The point I want to make clear is that it is not a very gratifying thing to know that the Secretary of State of India has told us that he can do nothing in the matter. It should be pressed upon the Secretary of State that the Indian feeling in this matter is very strong and the Colonial Secretary should be asked to interfere and stop any further disqualifications on Indians.

Sir Syed Raza Ali: You mean the Dominion Secretary?

Sardar Sant Singh: Yes. I would therefore ask the Government of India to be up and doing and say to the South Africans that the Government of India is taking this matter very seriously and they mean business this time.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): The other day I congratulated my Honourable friend, Dr. Khare, on the expeditious manner in which he had sought to implement the recommendations of the conference that met here a few weeks ago. The Bill which he placed before us was good in certain parts, and it was our intention to improve this Bill to such an extent that it would be good in all respects. Unfortunately, there has been a considerable difference of opinion between the Legislature and the Executive and I am sorry to find that my Honourable friend succumbs to the wiles of the Executive and ignores the views of the elected Members of this House. Sir, this is a typical bureaucratic attitude. I wish him success in his career, but I hope in future he will look to the elected Members of this House for an inspiration and not to the nominated bloc or the European Group. Sir, this Bill ought to have been further improved. But something is better than nothing and I have to support the motion, though not quite willingly, which has been moved by my Honourable friend Dr. Khare.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadian): I associate myself with my previous speakers in congratulating my Honourable friend, Dr. Khare, who was once a non-official Member on this side and who has now the honour of being an official Member.

Sir, this question of Indians in South Africa being ill-treated has been a burning question for the last three decades or so. I may be permitted to make certain observations regarding this. This could not have reached such a pitch as it has, had the Government of India and the British Government taken an active part in mending matters. They regarded Indians as nonentities. As a

matter of fact, they still regard Indians as "nobodys" and that is why our cause is being ignored, not only by this Government but also by the British Government. Therefore it is that we have to congratulate the Government at least now, and particularly the Honourable Dr. Khare at having introduced this measure. At the same time, Sir, I cannot help passing a few remarks. The amendments proposed by some of our Honourable friends as the House is aware were modest ones. Only two of them were approved of by the Government. The others have been rejected and that is why we do not feel very happy over the passing of this Bill into an Act. Sir, I do not want to occupy any more time of the House.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): It is the general practice that during the Third Reading of a Bill the Honourable Member in charge is congratulated and the feeling is expressed that the Act may prove to be a good one. But on this occasion certain amendments have been rejected by Government and it is due to this that there have been some harsh speeches. Some have already suggested how the Act should be put into operation. I have nothing much to add. We have seen the anxiety of Sir Vithal Chandavarkar for arming the Executive Government with unlimited power so that Government may be able to take proper steps in due course. But my own apprehension is this. When there was a hint that Dr. Khare was not a lawyer, he said that he was a surgeon, indicating thereby that his operating knife would be better put into action when this Act was brought into force. My fear is that in the company in which he is or in the atmosphere in which he is, he may be reluctant to use his knife as he has indicated, and a time may come when, if the Government of South Africa gives a slap on the face of an Indian, he may be inclined to reciprocate it by imprinting a kiss on the cheek of the South African.

The Honourable Dr. N. B. Khare: Kick is the proper thing, not kiss, I thought you meant a kick.

Mr. Kailash Bihari Lall: My only apprehension is that there may be that sort of reciprocity. I do not want to say anything excepting, as remarked by other speakers, that we only wish that it may be put into operation in the spirit in which it has been adopted. As our Hindi saying goes:

"Nahi Mamoo se Kana Mamoo Bhala".

When there is no maternal uncle it is better to have an one-eyed maternal uncle than to have none. When there is a prospect of none, it is better to have a Reciprocity Act like this, and I hope it will be put into operation in the spirit in which it has been supported. With these words, I congratulate the Honourable Member.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Let the question be now put.

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

"That the question be now put".

The motion was adopted.

The Honourable Dr. N. B. Khare: I must say that when my Honourable friend, Dr. Banerjee, charges me with succumbing to wiles or things of that sort—I do not know what he means by wiles—he is indulging in mid-Summer day-dreaming. Let me assure him point blank and frankly that there have been no wiles of any kind and no succumbing. Let him disabuse his mind as soon as he may if he likes to do so. Then, another friend over there was very glad that perhaps in my person he has got a *kana mamoo* and that it is better to have an one-eyed uncle than to have none at all.

Mr. Kailash Bihari Lall: May I explain? *Kana mama* is the Act and not yourself.

The Honourable Dr. N. B. Khare: I stand corrected. It does not matter. I think this philosophy which he has come to adopt on his return from jail and rejoining this House will perhaps find a better field elsewhere. I congratulate him for this change in his attitude and I hope he will appeal to other people, I mean, his other friends also. This philosophy, which he has already adopted

[Dr. N. B. Khare.]

with success, means, in short, that half a loaf is better than no bread—a very good philosophy in life. Let him appeal to other people, his friends, who are outside somewhere, I do not know where they are.

In this debate no new points have been raised that necessitate any reply from me, but I have been asked specifically by my Honourable friend over there to reply to a certain point, which I will do here. He has asked me as to what is the practice in other countries? Am I going to consult other countries and send some representatives from here to those countries where such an Act may be in operation? My Honourable friend is not in his place, I am sorry. But, I must say that so far as I am aware there is no Reciprocity Act in any other country which he can think of. India is the only country which has the misfortune to be required to have this legislation passed of a reciprocity nature. It is a misfortune, we should be sorry for it. Therefore, if there is no Act in other countries I cannot tell him what is the practice in those other countries.

Sir Syed Raza Ali: I do not want to interrupt my Honourable friend. He is not right. To the best of my recollection there is an Immigration Act in South Africa and there is an Immigration Act in force in the United States of America, both of which are based on principles of reciprocity in matters of immigration.

The Honourable Dr. N. B. Khare: This is not immigration. This Reciprocity Act prescribes the treatment to be meted out to the nationals of those countries here.

Sir Syed Raza Ali: That is what I mentioned.

The Honourable Dr. N. B. Khare: This Act gives power to Government to impose same or similar disabilities upon the nationals of those countries or colonies or dominions where some disabilities are imposed upon our nationals. It is a fact that treatment meted out to our nationals in those countries or Dominions is different in different countries, and we have to make rules which have necessarily to be different for each of those countries, and the punishment which we will impose will be different. That is all I can say. As I said before, I am a surgeon, I am not a lawyer.

Sir Syed Raza Ali: Use your knife against South Africa.

The Honourable Dr. N. B. Khare: I know when to use a knife and when to stop using a knife also. You cannot use a knife without knowing its consequences. You should not kill the patient. I will say that if anybody has got a very big abscess I will make a deep and big incision. If it is a small abscess I will make a small incision. But if he has got gangrene, I will necessarily amputate.

Sir Syed Raza Ali: This is a case of gangrene.

The Honourable Dr. N. B. Khare: That should be left to the Government. I assure the House that when we frame rules pertaining to these various things we shall certainly be advised by our legal advisers and Government will frame them in consultation with the Legal Advisers. I hope that is sufficient for the House and I do not think there need be any misgiving on the part of any Member whatsoever and I appeal to the House to pass the Bill.

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

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

The motion was adopted.

THE DELHI UNIVERSITY (AMENDMENT) BILL.

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

"That the Bill further to amend the Delhi University Act, 1922, as reported by the Select Committee, be taken into consideration."

When this matter was last before the House I promised that I would send the Bill to the Delhi University and place the opinions of the Delhi University before the Select Committee when the Committee met. The Committee met

at the end of May and had before it the opinions of the Court of the University, of the Executive and Academic Councils sitting together, and of the Vice-Chancellor. The Report is before the House. I propose to let it speak for itself. I would only like to call attention to the great degree of unanimity that has been achieved, up to the Select Committee stage at all events, with regard to this Bill, unanimity not only about the changes that we should make in the Delhi University Act, but, also about the things that we should leave standing in the parent Act.

As regards the changes, which were, of course, the only matters that figure in the Select Committee's report. I would draw attention to the unanimous character of the decisions arrived at in the Select Committee on such important matters as the method by which the whole-time Vice-Chancellor, if there is to be one, should be chosen, as to the composition of the Committee of Selection in the University and as to the authority and machinery for according or withdrawing recognition of colleges. On one major issue in the Bill, the three-year degree course, there was unanimity with one exception, one dissident. The House will, of course, give due weight to the expression of misgivings of the dissident member of the Select Committee, taking into account his great experience in University matters elsewhere: but I hope that the time will come when Dr. Banerjee will see that his misgivings are unjustified and his pessimism was not called for and that he will live to admit the mistake.

I should like to make one more observation. The Committee as it met was not quite complete. We were, through no fault of our own, somewhat circumscribed as to our choice of dates for the Select Committee. We fixed a date on which we had good reason to believe we could have the attendance of all the members of the Committee. Unfortunately, my friend Sir F. E. James was unable, with his colleagues, to tear himself away from the scenes of the trials and triumphs of the Eighth Army in the Middle East and at the time that we got word that he could not be back by the date fixed, it was impossible for us to change our dates. I very much regret that we had to sit in his absence. We should very much have valued his great abilities in our committee. I do not propose to say anything more at this stage. 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 Delhi University Act, 1922, as reported by the Select Committee, be taken into consideration."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I move:

"That the Bill be circulated for the purpose of obtaining opinion thereon by the 31st December, 1943."

Sir, you will remember that when the Bill in its original form was presented to the House I moved a similar motion. The Bill was referred to the Select Committee but I now find that very great changes have been made, which necessitate that the Bill should be circulated for eliciting opinion thereon. This University is called a residential university but if we look into the methods adopted by the University we find that it has none of the characteristics of such universities. It ought to be the concern not only of the professors and teachers but also the concern of the taught and the parents who send their children for education and there are other interests in the country which ought to have their say in the matter of this University. The universities in India, when they were first started, were particularly meant to produce clerks and ministerial officers. Now those days are gone and the country does not any more stand in need of such requirements. The country requires progress of education in every sense and keeping this in view various changes are required to be made in the constitution of the universities particularly of the type of residential universities. Here, this Bill, although it is called an amendment of the Act of 1922, is so far as I can see, a new Bill. A number of new statutes have been substituted and many new matters have been brought in and the

[Maulvi Muhammad Abdul Ghani.]

courses of study for degree and diploma are going to be changed. This is the first type that we find in India and therefore it requires much greater consideration by the people and particularly by the citizens of this province. This Bill does not affect Delhi only but it affects the country at large in many ways. Therefore we should be very cautious before we pass on to consider the various clauses of the Bill. We know from the last census that the progress of education in India is very slow and, subject to correction, I say that it is practically illiteracy which reigns over the country. In a country where the illiteracy is about 87 per cent., is it not pitiable that during the last hundreds of years we have not been able to spread education in such a way as to make the citizens of India, even half of them, to be literates? Now, the view of the Universities in India should be for the progress of education. They should impart education not only of the type which was required in the old days when the British rule was established in this country but we should give education on various subjects. The country and the Government of India as well have felt all of a sudden the necessity of technical education and they are trying their level best to achieve that end. I should say that during the course of a year thousands of technicians have been produced and with much rapidity and their merits are not of an inferior kind. When the time for this necessity came, the Government became alert. So, when legislating on a matter like this, we should keep all these things in view. In this measure I do not find anything helpful to advance the type of education which the country needs the most, namely, industrial and technical education. Very meagre provision has been made in this Bill on this behalf. The country stands in need of suggestions in regard to this type of education, so the legislature may realise how far their suggestions will be of use to the country. These are the days when we should not be content with mere theories

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

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.

Maulvi Muhammad Abdul Ghani: I was speaking this morning for sending the Bill for circulation. This is the time when we should have regard for the needs of the country as a whole. In this connection, I want to draw the attention of the House to the Education Report in India 1938-39, which is the latest issued by the Department of Education. It says among other things that considerations among others necessitate a changed attitude towards educational problems: Refer page 27 of the Education Report, Government of India 1938-39. It speaks on: (a) an increasing desire among educationists and others to bring about changes in the educational system in view of the altered conditions of life, (b) the growing volume of unemployment among the educated classes, (c) the emphasis laid on purely literary forms of instruction in schools, (d) the inadvisability of too frequent examinations and so on and so forth. There are about eight or nine suggestions which in the view of the Central Board of Education have to be considered now, and these are the right times to consider all the necessary changes required to be made in the legislation of universities.

Now, Sir, this legislation is before us, and we find here that those views of the Central Advisory Board of Education have been ignored. Therefore there is no hurry for taking the Select Committee report. I suggest that it should be circulated. At the time when the Bill was introduced, it was said that the opinions of all persons and parties interested in the welfare of the Delhi University will be considered. Up till now, so far at least I am concerned, I

have no knowledge of the opinions of either experts or of anybody interested in education. In the absence of such opinions, I am justified in tabling my motion for circulation of the Bill again. This University was founded in 1922 as a residential University and from the results achieved up till now, we are very much disappointed and people here, on account of the impending changes proposed to be made in the University, have sent their wards to other Universities, and even an Intermediate College like the Ramjas College has got itself disaffiliated from the Delhi University and got affiliated to Allahabad University. This University has just imposed a qualifying test which has proved very disastrous to the students in securing admission to the degree class which is going to be three years hereafter. If you have any consideration for the results of the admission during the various years, you will find they are disappointing. During 1935-36, the admission of students was 2,844; in 1936-37, it was 2,172; in 1937-38, it was 2,279. I cannot say what is the number in the year under review, that is 1943-44. Having regard to the results, it is not encouraging. We know that a lot of taxpayer's money is being spent on the maintenance of the Delhi University. About a year ago we made a special grant for this University, probably buildings. After all we did make this grant for the maintenance of this University.

Having regard to the report of the Select Committee we are very much disappointed that there has been no improvement of any kind, except one which may be called a retrograde or onward step, and that is the three years' degree course which has been or is going to be introduced here. It has frightened students who have taken refuge in other universities and the fate of those who appeared at the qualifying examination is well known to every one; perhaps only 4 or 5 or something like that came out successful in the qualifying test. I find here that the interests of professors and officers have been safeguarded and adequate provision has been made for them but not much attention seems to have been paid to the needs of the present and future generations of young men. Therefore it requires the views of various interests to be offered on it. We are having an amendment of the Act and it is our duty to see that it is amended to suit the needs of the students. There also we have been disappointed.

Recently the Central Advisory Board of Education have set up five kinds of expert committees one of which will inquire into the system of examinations prevailing in the different Indian universities. That committee is now going on with its work and the result, so far as this University is concerned, will be known by the Examination Committee's Report. The determination of the kind of examination to be introduced into a university should wait till the views of this expert committee are known. It is not desirable that in the name of a residential university we should have an examining body. After all this University is an examining body like other universities; a certain number of students are enrolled every year who receive education and are examined. No particular system of examination has been provided here. In the west there is not one single university which only examines the boys; they give such kind of education as would enable the students to have knowledge of the subject taught. Here such training is given as makes the students grope in the dark and they do not know what has been taught to them. They are accustomed to cramming and somehow or other pass the examinations. It is very discouraging and very hard on the younger generation; their whole spirit is crushed by this system of examinations. For instance, a student prepares and sits for a certain test. He passes in all subjects except one, but in the next year he has to appear in all the subjects in which he has previously passed as well as the one in which he failed; and it may so happen that he passes in the subject in which he had originally failed but fails in some other subject, and he has to sit for the whole examination again. How long should such things be allowed to continue? Is it fair or just that once a student is tested in a certain subject and found efficient he should again be made to sit for a test in that very subject? No reasonable person can accept that theory or

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support this kind of examination. There is no system of compartmental examination as in the Western universities where boys who fail in one subject have to undergo another test only in that subject, and that also not after a year but only after a few months so that his progress is not impaired. He has to wait only for a certain period and during that time he is not prevented from going and joining the higher classes. Here too in the law classes a student is allowed to go on to the final course even without passing the preliminary examination but before being allowed to be declared as passed, he must pass the preliminary examination.

Sir Cowasjee Jehangir (Bombay City. Non-Muhammadian Urban): What provision of the Bill is that in?

Maulvi Muhammad Abdul Ghani: There is no provision here. I want that some kind of provision should be made here.

Sir Cowasjee Jehangir: Is that not a part of the administration of the University?

Maulvi Muhammad Abdul Ghani: If we provide in this legislation that they shall have to frame their statute in such a way that it shall include these facilities, it will improve the Bill considerably. All these schemes are wanting here and I simply urge that no consideration is being given in any university in India to encourage the younger generation, and all efforts are made—whether intentional or unintentional, I cannot say—to crush the spirits of the younger generation. Sir, you know the way in which the professors and teachers behave towards their pupils and you may compare their behaviour with those in this profession in other countries. There they treat their pupils like their sons on equal status when they are out of the college, whereas here it is just the reverse. Here the teachers and professors try to pass themselves as masters in the real sense of the word and not as well-wishers like a father to a son. In no university you will find that spirit here. These elementary things are wanting in our institutions and unless all these things—though minor in themselves—are taken seriously into consideration, the progress of education in this country will go in the backward direction notwithstanding all the increase in expenditure on education. We know that the Government of India and other bodies prepare reports. These reports may be of use to the Government to show to the outside world that various Provincial Governments and the Central Government spend such considerable amounts of money over imparting education to the people of this country, but that is only for propaganda purpose and not for the actual benefit of the country.

If you will compare the results in the sphere of education, you will find that it still requires about 384 years more to educate each and every one in this country. In the progress report for the year 1938-39 on page 3 it is stated:

"The percentage of people under instruction in all recognized and unrecognized institutions has increased from 5.38 to 5.64."

That is to say, during the year 1938-39 the progress was .26 per cent. only. Calculating on this basis, it will require 384 years to give literacy to the people of this country. Well, the Government may therefore come forward and say that they have not so far spent 384 years in this country and therefore we should wait and see. According to the last census, the progress which we have made in respect of literacy so far is only 13 per cent. of the population, which is very discouraging.

I want to place before the House a few things more. Here the composition of the University includes certain kinds of interests, but in my opinion there are many interests which are left out and some interests are inadequately represented. I will give you an indication. So far about 96 amendments have been tabled in respect of this Bill. That shows that there is a great deal of difference of opinion in regard to different clauses of the Bill and it should be circulated for opinion. I do not think there is any great hurry about the passage of the Bill. On the last occasion I said clearly that unless there is

some interest to be protected or there is someone waiting behind the screen whose interests are to be safeguarded we should not hastily pass this Bill. In saying that I am not imputing any motives to the Government, but I am just saying that it may be like that. What we should have foremost in our mind is that we are dealing with something which concerns the youths of the future generation, and therefore even if there are any other interests they can be sacrificed. I, therefore, say that if we have any desire to change the legislation, we should wait and have the opinion of experts whom we have appointed—and by the use of word “we” I mean the Government of India and we should not sit on judgment at this stage. Let the University run in its own way.

3 P. M. The only amendment necessary, in my opinion, is to have a salaried Vice-Chancellor and nothing more. In all the universities a similar thing should run. Then it would give facilities to the guardians and to the youths of the country.

I have said that certain interests have suffered on account of their inadequate representation on the University. There are several kinds of bodies which guide the destinies of the Delhi University, e.g., Readers and Professors, Members of the Court, of the Executive Council and of the Academic Council: there are the Faculties of Arts, of Science, of Law and others.

The University was founded in 1922 and during the 21 years that have elapsed no adequate representation has been given to a section of people whose percentage here is above 40 per cent. I am not introducing any communal colour. But so far as the Muslims are concerned they have received most inadequate representation and in support of my contention I want to cite before the House certain figures:

Out of ten officers in the University there is not a single Muslim. Out of 30 Professors and Readers there are only 5 Muslims. Out of 123 Members of the Court only 24 are Muslims. These have crept in on account of the nomination system introduced by the Chancellor of the University. Out of an Executive Council of 24, only three are Muslims. Out of an Academic Council of 44 only six are Muslims. Out of 25 members of the Faculty of Arts only 4 are Muslims. Out of 24 members of the Faculty of Science only 3 are Muslims.

In short there are 332 seats of which 44 are given to Muslims, the percentage being in the neighbourhood of 10·2, I will only say that this section of the population deserves adequate representation.

I should have thought that some kind of provision should have been made for technical education upon which the various reports of the Central Advisory Board of Education have stressed. In view of the absence of any provision for technical education, I do not think that there is any necessity for any amendment of this nature. But if the Government is bent upon having the Act amended, then they should consult the various classes of people and various classes of interest affected, as to what kind of education they want. After hearing those representations, then it will be fair and just for the Government to pass any kind of amendment with additions or subtractions as the case may be, and the expenditure on this university may then be justified. With these few words I move my motion and I hope that the House will at least agree with me that there is necessity for changing the scope of the University to the extent required by the new type of education as suggested by the Central Advisory Board of Education, and this can only be done by sending the Bill for circulation for getting the opinions of people affected.

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

“That the Bill be circulated for the purpose of obtaining opinion thereon by the 31st December 1943.”

The next motion, if it is moved at all, is Dr. Sir Zia Uddin Ahmad's motion for recommitment to the same Select Committee. Does he want to move it?

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Yes.

Mr. Deputy President (Mr. Akhil Chandra Datta): Before he moves it the Chair must be satisfied that that motion is not a dilatory motion. *Prima facie* it is. That is why I ask Dr. Sir Zia Uddin Ahmad to satisfy the Chair that

[Mr. Deputy President.]

it is not. I might tell him how I should like to proceed, because if he can satisfy the Chair on this ground, first, that this course is rendered necessary by the manner in which the Select Committee has handled the Bill—that is one of the grounds on which this motion can be moved. Another alternative ground is that unforeseen circumstances have since emerged after the Select Committee reported. Under either one or both of those grounds the motion will not be dilatory.

Dr. Sir Zia Uddin Ahmad: There are certain points in the Bill which I find I cannot improve by only amending certain clauses. They require thorough consideration and that is the reason why I suggested this particular amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): That is all your ground?

Dr. Sir Zia Uddin Ahmad: Yes.

Mr. Deputy President (Mr. Akhil Chandra Datta): I do not think that is a proper ground for allowing this dilatory motion.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): But he can speak on the main motion and the circulation motion?

Mr. Deputy President (Mr. Akhil Chandra Datta): Certainly. Dr. Sir Zia Uddin Ahmad.

Dr. Sir Zia Uddin Ahmad: Sir, before I mention the grounds on account of which I differ from the recommendations in this Bill I would like to submit one point as the background, and that is, the University is intended for the benefit of the people living here. We should realise in our mind what kind of people we have to deal with. Here in Delhi we have got a very large population connected with the Government of India. There are persons who come and go. They are drawn from different provinces. They stay here for a certain number of years and they may be transferred to any part of the country. When we revise the constitution of the University we must keep in mind the requirement of this population. Their children come from any university at any time of the year and they go back to any province. This is the class of people whom we have to consider when we draw up a constitution for this University. Again, we are now enacting a Bill in the Central Legislature. This is an opportunity when we should keep in mind the defects in the working of the various universities created not only by the Central Legislature, but also universities created by Provincial Legislatures, and we ought to give a lead to all the other universities.

There are three or four major points which require very serious consideration. First is the question of appointment of Vice-Chancellor. This is a very thorny question. We have now got the experience of many years where we have got different conditions in different universities, and we ought to review the whole question and find a solution. Till the publication of the Calcutta University Commission's report in 1918, the practice had been that the Chancellor appointed the Vice-Chancellor whose term of office was two years and the post was honorary. That was the practice, but we should not forget that in those days the universities were only examining bodies; they were not teaching universities. The Vice-Chancellor had nothing to do with the discipline of the students. That system worked very well for a certain number of years. It drew men from public life, very often from the High Court, to work as Vice-Chancellor for two years and they guided very ably the affairs of the universities. But after the report of the Calcutta University Commission, it was accepted that the primary object of a university is not to hold examinations but to teach. When the function of teaching became an integral part of the universities, everybody began to think that they could not have part time, unpaid Vice-Chancellors. They required a practically whole time officer to look after the teaching, discipline and the administration of the university. Then we had different methods devised after this report, for the election of the Vice-Chancellor. In one university we found that the primary selection was made

by the Executive Council and the Court was the final authority for the selection of the Vice-Chancellor. So, the whole thing depended upon the vote of the Court. The working of the several universities shows that this is not a very happy academic procedure. When the election of a high salaried officer depends upon the votes of a large number of people, then it very often degenerates into a kind of political election where the members of the Cabinet try to keep their own party in a majority. Now, that has not proved a very great success. In other cases we found that the selection is made by the Chancellor out of the list recommended by the Executive Council, as in Dacca and Lucknow. That is really much better than the final selection by the Court. In the Aligarh University, the thing is very different. Any member can get up at the meeting of the Court and propose any name whatever and the matter is decided by the vote of the members of the Court. This has also not proved a success. I think in this particular case, the Delhi University, as the Bill emerges from the Select Committee, has given a lead. They have now suggested that we should have a committee of reference, consisting of three persons and they may make certain selections and the final nomination should be made by the Chancellor. This is no doubt a lead given about the election of the Vice-Chancellor but as it is, the provisions of the Bill are contradictory. If you go to clause 28 of the Statutes, the position is reversed. The Vice-Chancellor is appointed for two years, by what method, I do not know. The term of the appointment as suggested by the Act differs from what is mentioned in the Statutes of the same Bill. That is one method and also there is a second method which is the point which I would very much like to be made very clear as to how the Vice-Chancellor is to be selected. It is not a question of personalities at all. It is a question of principle and I think the principle which we should accept is that the recommendation should be made by a committee of reference of three persons who are not connected with the university. They should select the best men they could find. They recommend two or more persons and the Chancellor may make the final selection. That is really a good step forward which, I believe, the other universities should also follow. This method of selection is very similar to the universities in Europe. The selection is always made by an impartial committee having no direct connection with the university. When we come to the other details, such as remuneration the question becomes complicated. It is much better to leave these things alone. Some rich person may not like any remuneration. Others may not be able to support themselves without some remuneration. I would rather leave this alone. The question of whether emoluments should be given and if so what emoluments should be given should be left to the Chancellor. After all, for the sake of emoluments, we should not sacrifice the best interests of the University. We must select the best man and see under what conditions we can get him. It is much better to leave this thing vague, instead of discussing whether it should be 1,500 or 2,000 or 2,500. We must leave it to the Chancellor to decide in each case on what conditions the best man could be secured. That is one point on which I am not quite happy and this point requires serious consideration.

The second point which requires very serious consideration is the migration of students from other universities to Delhi University and back from Delhi University to other Universities and professional colleges. This thing is left absolutely vague. Clause 11 amends section 36 of the Act but this particular point could not be visualized in any manner whatsoever, whether they propose to have it done by ordinances or else how it will be done. I may tell you that I individually am in favour of a three years' course and I want that this experiment of a three years' course must be tried under most favourable conditions. If this scheme fails, no other university will follow the three years' course. I am strongly of opinion that this is an improvement but this experiment must be tried under most favourable conditions and we have to recognise what class of students who have to deal with. We will probably have to organise in Delhi

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a special class whose standard may be the standard of the 11th class for the benefit of the students who desire to join Delhi University after passing Matriculation examination. Here in Delhi we have split Intermediate classes into two, one class goes to the University and the other class goes to the High School. We have here to deal with a class of schools which are superior in type but must remember that the majority of our students are drawn from the officers and servants of the Government of India. In other provinces such as the Punjab, Bengal, Bihar and so on, they have not got this type of schools and the students from there come over here for admission to the university. What will they do. You will have to provide some kind of preliminary class connected with the University for the benefit of these students. I see no hint given anywhere that a preliminary class will be opened in the case of students from these schools and after some tests they will be admitted to the first year class of the university.

Then the second thing is that the students who will come after passing the Intermediate should be put in the second year. The one year that they have put in in other universities should count. There ought to be a provision in the Bill that any student who has attended one year's course in a college elsewhere may be admitted in a class higher than the first year. Of course, in England, the conditions are the same all over the place. There, the standard of the high schools is the same and the standard of the universities is the same. There is no need, therefore, to cater for the students who are educated under different conditions. In a country like India, conditions differ enormously. It is very desirable, therefore, that we ought to cater for this class of people who come from different universities. Therefore we ought to make a provision that the students who come here after passing the Intermediate examination, either of the Secondary Board or of any other university, should receive special concessions and should be eligible to join the second year class of the university and not the first year.

Then about the students who go back from this University to the provinces. Those who have completed the second year class and go back to their universities will not be able to join the third year class unless there is some kind of test. We should institute special test at the end of the second year for those students who want to go back, which may be recognised by other universities. Therefore, though we may not have a kind of general examination for everybody, I think for the benefit of those who want to go back to their universities, we should have some kind of test at the end of the second year class, not for all but only for a few and this test should be recognised by other universities as equivalent to their Intermediate examination.

We should also keep in mind that in most of our professional colleges the conditions of admissions are higher than the Matriculation and lower than the B.A. Nearly all the medical colleges in India take those students who have passed the Intermediate examination with medical group,—chemistry, zoology and biology. Most of the engineering colleges admit students who have passed the Intermediate examination in science with mathematics, physics and chemistry. What would happen to those who want to join the professional colleges? Will they have to take the whole B.Sc. and then join? If so, their course will be increased by two years. Or for the benefit of those who want to join the professional colleges, University will introduce a special course both for medical as well as for engineering students? These are the two things which we will have to cater for the students who want to go back from the University to the professional colleges and to other Universities and also to cater for those who come under different conditions from the provincial Universities to the Delhi University. Unless we make arrangements for these things, the Delhi University is not likely to be popular. There will be huge representations tomorrow from the servants and the officers under the Government of India who are now employed in Delhi. The population of Delhi has now gone up tremendously

and it is becoming still bigger and bigger. In fact, the other day the Labour Member said that this year he is spending 1.75 lakhs on building the houses for the staff of the Government of India and it does not include the buildings required for the Americans. So, here we have got a large staff and they have got their children and they must be catered in the Delhi University. The requirements of this huge population cannot be ignored.

I find that I cannot amend matters simply by moving certain amendments to the existing clauses. As I said, we are now giving a lead to all the other Universities in India. In giving this lead, we ought to make transitional provisions for a period of, say, five years and by that time I hope the conditions in other places will also change. We must make a 'transitional arrangement for the migration of students. If we fail to do so, then the three years' course will be unpopular. At one time, I myself thought of introducing this three years' course at Aligarh. We have students from all parts of India. They come right from Calcutta and Shillong on one side and Karachi and Peshawar on the other side. We found that it is very difficult to work this scheme unless we have very elaborate arrangement for the transitional period for the migration of students from one university to the other. Therefore, I beseech the Honourable the Secretary for the Department of Education, Health and Lands to consider the requirements of this class of people who are going to migrate from other provinces to Delhi and they would bring their children with them for whom a provision has to be made. I should like to visualise in my mind before I accept this particular Bill what arrangements are going to be made. You might say that probably the ordinances will prescribe these conditions. If so, there must be some indication to that effect. Unless we can visualise in our mind about this very important fact, it is exceedingly difficult for us to accept that this university will become a popular university. I am myself in favour of three years' course, but if you do not start this experiment under good conditions so that we may be able to cater for the existing requirements, I apprehend that our experiment will fail and it will have a re-action not only in Delhi but in all other universities, and there will be a re-action in the opinion of those who are very strongly in favour of having three years' course in the university. The Calcutta University Commission after very careful consideration also came to the same conclusion, but on account of the varied conditions prevailing in the country they had to give it up however much they liked it. They had to wait till the conditions had improved.

The third point on which I am exceedingly unhappy is the relation between the university and the colleges. This is a point which I considered very carefully when I was on the Calcutta University Commission in connection with Dacca. In Dacca we had at that time two colleges and the third was in course of establishment and we tried our best to see that these colleges should retain their individuality. We found after careful consideration that if we retained them as recognised colleges it will be exceedingly difficult to maintain harmony. Similarly, if we accept this Bill as it is, the colleges in Delhi cannot possibly exist. They will have to die sooner or later and it is better that we should kill them now instead of telling them that we are doing our best for their prosperity. They cannot prosper under the conditions laid down in the present Bill. Anybody who has been a member of the governing body of any school or college will visualise in his mind that there is a constant fight between the governing body and the teachers, because the teachers demand certain emoluments which the governing body cannot pay. The same is bound to be the case in Delhi. Take, for instance, the question of recognition. Here we will find that the university will always take the side of the teachers. The university and the teachers will be on one side and the managing body of the college will be on the other side. The award of grant is in the hands of the university. Therefore, if you have all the teachers and the university combined against the governing body of the colleges, then the governing bodies will find very difficult to collect

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funds and they will be very pleased to hand over all the colleges to the university and wash off their hands from them. This is bound to occur and I wish that this position should be properly realised. Under the Universities Act of 1904, the college as a whole was recognised. There was no such thing as the recognition of individual teachers. Here we are introducing the recognition of individual teachers which is quite different from the recognition of the college as a whole. It is very easy to estimate the value of a college, its efficiency and influence by considering the staff as a whole. But when you begin to recognise the teachers in the same manner as University teachers, you will throw financial burden on the colleges which they will not meet. Therefore, we have really to find out some solution of this very vexed problem, namely, the competition between the universities and the various colleges. Now, I have applied my mind to this problem and I have come to the conclusion that we should follow the example of Dacca and accept the recommendations of the Calcutta University Commission. We should make these colleges only as halls of residence and let the entire teaching be conducted by the university. The teachers will be appointed by the university and they will be assigned to various colleges for tutorial purposes. That is one way of solving the problem. The second way of solving the problem is to split up the teaching into two parts. Let the Pass B.A. be a college teaching. They will appoint their staff for this purpose and the university will judge the efficiency of the college as a whole and not the individual teachers. Let the other higher teaching such as B.A. Honours and M.Sc. be done by the university. In that case the appointments of university teachers should be made by the university and after appointment they may be assigned to various colleges. In that case the colleges will look after the teaching up to B.A. Pass. They will appoint their own staff. The University will see that the staff is efficient and that it is not below the standard. But there will not be the individual recognition of the teachers as is laid down in the Bill. When we come to the higher teaching, the staff will be University staff, appointed by the University, paid by the University. They might be attached to the various colleges giving tutorial instructions. The other thing that is possible is as is done in Cambridge. There may be a good teacher in a college who is competent to teach M.A. class and Honours class. That particular teacher should be recognised by the University and he should be given extra remuneration. Therefore recognition should be limited only to those teachers who give instructions in the name of the University in subjects higher than B.A. Pass. The University may give extra allowance with the permission of the colleges to the teachers so recognised. The colleges will be automatically induced to employ staff with the highest educational qualifications so that they may be recognised by the University for giving instructions in subjects higher than B.A. Pass. That will be of very great help and that is what we should aim to achieve. We may also introduce the system of inter-collegiate lectures.

The argument is put forward about colleges in Cambridge. In Cambridge the colleges are self-sufficient. They appoint their own staff, and some of the teachers are also recognised by the University for purposes of University instruction. But they continue to give teaching in their own colleges. Remember, Sir, that the position in Cambridge is very different from the position of the colleges in the Delhi University. In Cambridge, the colleges came into existence first. They are endowed institutions, they do not depend for funds on the public, they have got fixed income and the institution is managed by the teachers themselves. The University has got no endowment. The colleges make endowment for the maintenance of the University, and the University is controlled by the colleges, and not the colleges maintained by the University. In this University the colleges will be controlled by the University, while in Cambridge the University is controlled by the colleges, because the University exists by funds contributed by various colleges. Here the Government Grant

will be distributed by the colleges. What we really have to create is the atmosphere so that the University and the colleges taken together might form one compact body, they may help each other. But this cannot be done under the arrangements provided in the Bill. We are creating a situation in which there will be a constant fight between teachers and the governing body. The teachers will be supported by the University, the governing body will be supported by the public and the Legislature so that there will be a fight in which the University and the staff on one side, and the governing body and the public on the other side. We do not know what will be the result.

Sardar Sant Singh (West Punjab: Sikh): Divide and rule.

Dr. Sir Zia Uddin Ahmad: There is a great apprehension in the minds of people that under this Bill we have got potential grounds for constant fight between the governing body on the one side and the University and the staff on the other side. If unfortunately this should happen, it will have a very serious effect on the discipline of the students. Half the students will side the headmaster, half will side the governing body, with the result that no discipline will be left in the institution.

There is another point which I do not know whether the Select Committee considered it. I saw one of the amendments which says that teachers should work for 54 hours a week. I do not know whether any teacher can work for 54 hours. They are not the labourers of my Honourable friend the Labour Member who work for 54 hours a week. There also, we have a constant demand for reduction to 48 hours. My Honourable friend Mr. Joshi wants it to be reduced still further to 42 hours and so on. It is a point which is really very difficult to solve in the case of Universities. It is very difficult to lay down how many hours a teacher should work. If my Honourable friend the Joint Secretary in the Education Department will look into the figures and work for himself about the actual time spent by the teachers in a University, specially in a teaching University, he will find that it will work out to from 30 minutes to about 45 minutes per day. Whenever employers see this figure, they are startled. Of course, the teachers always argue that they cannot be classified in the same category as the followers of my Honourable friend the Member for Labour, that the kind of work they have to do requires a good deal of time to be spent in preparing lessons. As any rate there is always a kind of misunderstanding between these things.

There is also a question of the control of the purse. Should it be controlled entirely by teachers or by non-teachers? It is a very serious question, it has arisen in most of the Universities. But this particular point has not been decided. In some cases, whenever the purse is controlled by the teachers themselves, every member of the staff, whenever he gets up, he goes in the morning and salutes these demi gods, and he spends less time in preparation of lessons, in the discipline and training of his own pupils. He spends more time in calling on persons in whose hands his promotion and emoluments depend. Therefore whenever you see patronage vested in teachers themselves, we find from experience that we have a kind of demoralisation in the University itself and people go about seeing their own colleagues and humour them so that they may get the best benefit whenever opportunity arises. My Honourable friend the Joint Secretary will note that in Cambridge and Oxford the case is different. There the management is vested in the teachers themselves. They are the partners in a business concern, income is divided among themselves. In the case of modern Universities in England the case is different. If you go to the Midland Universities which are not maintained by permanent endowment as the older Universities are, the teachers have not got a final say in the distribution of the funds. Whenever the question of finance comes in, we find teachers have got very little voice. non-teachers control the finance. The teachers control the academic side of the University, non-teachers control the financial side of the University. Now in the present Bill, I think it is very desirable that this question should be

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seriously considered. The Government of India have forced some of their own universities to organise a standing finance committee which is a statutory body and vested all financial powers in that committee in order to avoid the situation which I have just outlined. No such attempt is made in this Bill. They have said that there will be a standing committee which will be appointed by the Executive Council but that is not a statutory body as in the two other universities created by the Government of India, *viz.*, Benares and Aligarh. I do not think the Select Committee clearly visualised in their own mind the division of powers between the teachers and the non-teachers in academic and financial matters. It is a delicate question which has not been answered by any university yet and we have different conditions in different universities. I think conditions are nowhere happy and I think the Delhi University ought to have given a lead in this matter because they are in a good position to do so, but in this case no such lead is given.

Then there are a few minor points which I think should be considered. In the United Kingdom there is a committee called the Grants Committee appointed by the Exchequer and not by the Board of Education. This committee inspects the universities, considers their requirements and recommends to the Chancellor of the Exchequer as regards the grants to be given to certain universities for the development of particular departments. Here unfortunately the Government of India have provided in two or three enactments a kind of committee of inquiry. But this committee is more a punitive body which is only appointed when things go wrong. It is not really a kind of Grants Committee which inspects the universities in the usual manner. The Grants Committee in the United Kingdom consists of three persons none of whom has any direct connection with the universities. They are experienced educationists who have spent their lives in education, administrative and teaching, and every university is inspected at least once in every five years. Then the committee reports as to whether the grants are well utilised, whether more money is needed, what particular departments need to be developed, and so on, so that there may be no unhappy competition between the various universities because they do not want any unhealthy rivalries. This Committee works under the Finance Department and not under the Education Department and its report is accepted both by the universities and by Government. I think in this Bill also we should enact that this university should be inspected once in every five years by a special committee appointed not by the Education Department but by the Finance Member. Two of the members should be appointed by the Finance Member and one nominated by the Chancellor so that this committee should periodically inspect this university and report on its working, *i.e.*, the relations between the colleges and University, the manner of giving grants to the colleges and all other details. In the first five years the inspection will probably have to be made more than once, perhaps every two years, but later on one inspection in five years will be sufficient.

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

Then another point is this. We have several amendments fixing the number of Muslims in various bodies. This question has been very much debated, *i.e.*, whether in a purely academic body which we call the temple of learning we should have communal representation. It was carefully considered by the Calcutta University Commission and I would like to read some passages from their report which was signed by four educationists of great renown in England, *viz.*, Sir Michael Sadler, Sir Philip Hartog, Mr. Ramsay Muir and Prof. Gregory and also by Sir Ashutosh Mukherji. His son Dr. Shyama Prasad Mukherji was also with us all the time working as a kind of secretary to his father and from him he learnt all the details of the working of the

university. This is what the report says about communal representation, speaking about the Dacca University:

"While not excluding Mussulmans from the other halls of residence of the University we have insisted on the immediate establishment of a Muslim Hall. . . . We have suggested that the Court should always contain, among others, (a) 30 graduates of the university, of whom 15 should be Muslim graduates elected by the Muslim graduates, and (b) 40 members appointed by the Chancellor, of whom not less than 20 should be Mussulmans, and that the Executive Council should always include (i) four persons appointed by the Chancellor, of whom two shall be Mussulmans, one being a teacher of the university, and (ii) four persons elected by the Court, two of these being elected by the Muslim members of the Court who have registered themselves as Mussulmans from among their own number. In the constitution which we have proposed for the Academic Council we have advocated the inclusion of a number of persons, not exceeding one-tenth of the persons otherwise included in the Council, to be co-opted by the Council from persons belonging to the teaching profession and being members of the staff either of the University of Dacca, or of an intermediate college in the Dacca district, or of the Dacca Madrasah. We have also suggested that if the other categories proposed do not include a sufficient number of Mussulmans to make up a fourth of the Council, the Council shall be required to fill up the vacancies in the category which we have just indicated so as to bring the number of Muslim members as nearly as possible up to the fraction prescribed."

In addition to this they also say:

"We have also urged the establishment of a Muslim Advisory Board to advise the University on matters affecting the interests and convictions of Muslim students."

So there is a definite recommendation made by eminent authorities that if we reserve some places for the Mussalmans in various administrative bodies of the university the action will not be unacademic.

Mr. J. D. Tyson: Did they suggest it for Calcutta?

Dr. Sir Zia Uddin Ahmad: Yes, I will read that also. This is in paragraph 8 on page 214, chapter XLIX of Vol. V, of the report:

"In the constitution which we have proposed for the reorganised University of Calcutta we have provided for the inclusion in the Court of representatives of registered Muslim graduates, as also of representatives of the Muslim community." . . . etc.

And they also suggested the formation of a Muslim Advisory Board for the Calcutta University also. I quote these passages only to indicate that if we legislate to include a certain number of Mussalmans in various administrative

bodies, it is not an unacademic action and a procedure of this kind has been advocated by a very thorough academic representative body which included men like Sir Michael Saddler, Sir Philip Hartog, Mr. Ramsay Muir, Mr. Gregory, and above all Sir Ashutosh Mukerjee, and any suggestion which comes from Sir Ashutosh Mukerjee must deserve very careful consideration.

These are some of the suggestions which I thought we ought to consider. I do not know whether I can improve all these things by tabling amendments. I have tabled certain amendments in order to introduce these points which I have just outlined, but I feel that in one or two cases I cannot think out any amendment of the Bill by which I can achieve my object. One is the migration of students from the Delhi University to other Universities and professional colleges. That I could not visualize, and by tabling one or two amendments I found that I cannot achieve the object. The second thing is about the relation between the University and colleges. That is really a very important point which requires very careful consideration, and I found that I could not table any amendment which may achieve this particular object and the scheme that has been worked out in detail I am sure will ultimately lead to the abolition and disappearance of the college system. If you don't want to have the college system, you should say so. Take a bold step as you have done in the case of Dacca University. Let the colleges confine their attention to discipline and to tutorial guidance and so on, as in Dacca Hall, Jagannath and Muslim Halls. That would be a bold step. But if you begin to maintain colleges with governing bodies of their own and then provide on the top a kind of recognition of colleges as a whole, and recognition of teachers by a special method, which has been outlined in the Bill, that will have very great reaction on the relation between the University and the colleges.

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There is another point to which I would like to draw the attention of the House: The recognition and refusal to recognize ought not to depend simply upon the Executive Council. In other Universities it is vested in the Court. Therefore I say that the Executive Council should not decide the question of recognition or non-recognition. Supposing the Executive Council consists of 17 members, out of which 11 are present at one time which forms the quorum, and six members say that such and such colleges should not be recognized, these six persons can decide the fate of those colleges and their decision would be final.

Mr. J. D. Tyson: May I intervene for a moment. I am afraid the Honourable Member has not read the recommendation of the Select Committee on this point, namely, that recognition can only be taken away by an absolute majority of the Executive Council, that is to say, if the Executive Council consists of 27 members there must be 14 in favour of taking away recognition.

Dr. Sir Zia Uddin Ahmad: Yes. But there is a note attached to the Report that you must take the majority of the members present. That is of course by one member.

Mr. J. D. Tyson: I do not deny that one member perhaps has said that, but in the Report of the Select Committee it is an absolute majority

Dr. Sir Zia Uddin Ahmad: This shows the direction in which wind blows, Even if absolute majority were to decide, this is not sufficient either. It is a question of disaffiliation. Whatever the number may be—whether it is 7 or 8 or 10—this is a minor point. The important point is that it should not be left only to the Executive Council; it may have special predilections. A matter of this kind ought to be referred to the Court for final decision and appeal to the Chancellor. In the majority of cases under the old University Act—if my Honourable friend will consult the Act of 1904, drawn up in Lord Curzon's time—the power is given to the Senate and not to the Syndicate. Here you have vested the powers in the Executive Council. A matter of this kind ought to be left to the Court.

A provision for appeal to the Chancellor is one thing which is very desirable. If you want to keep these colleges as such, make the position of colleges clear, but if your intention is to finish them as you have done in the case of Dacca, you should say so boldly.

Finally, I may say that I am very strongly in favour of three years course and I say that this experiment should be tried under very good and favourable conditions. If you will try this experiment under unfavourable conditions, it will have a great reaction on the educational system in India.

With these words I resume my seat.

Mr. S. C. Chatterji (Nominated Non-Official): I rise to oppose the motion asking for circulation of the Delhi University (Amendment) Bill at this stage after it has been reported on by the Select Committee appointed by this House. Sir, I was not a Member of this House when the Bill was first introduced and referred to the Select Committee, but I have looked through the report of the debate on both the motion to introduce the Bill and to refer it to a Select Committee. Sir, as far as I have been able to gather, I understand that the main purpose of the Bill is to make it possible for the Delhi University to introduce a three years degree course. That, Sir, I take to be the most important educational feature of the whole Bill. It has long been felt in the best informed university circles in the country that a large part of the work which has hitherto been done in degree colleges ought to, and perhaps would, be better done in better equipped and better staffed high schools or higher secondary schools. We have just heard the opinion of one, whom, in this House, I suppose, without casting any reflection on any other Member of the House, I may describe as an expert on university education, Dr. Sir Zia Uddin Ahmad. He has given it as his opinion that this is a desirable measure of educational reform.

I remember to have read in the proceedings of the debate on this Bill at the last Session that Nawabzada Liaquat Ali Khan also described this measure of reform as a desirable experiment which might well be tried. I am, therefore, I hope, Sir, on safe ground when I say that I give my wholehearted support to this Bill, because it does promise to be an experiment which most educationists in the country now regard as overdue.

Sir Zia Uddin had one difficulty with regard to putting this experiment on trial. He said that he would like to be assured that the experiment would be tried in the most favourable conditions. Sir, it is just because it seems to me that in Delhi the experiment would be tried in such favourable conditions that I support the Bill.

The Delhi University does not have jurisdiction over a very wide area. The high schools from which entrants into the University come are not so large in number as in some of the older and larger universities in the country. Since the Saddler Commission report made the recommendation that the part of a degree college comprised of the intermediate classes might be separated from the universities reorganised according to the recommendations of that body, the University of Dacca and the Universities of Lucknow and Allahabad in the United Provinces have been up against a serious difficulty, namely, that once these two classes are removed from the University or from degree colleges which are attached to universities the students do not have long enough time to derive the full benefit of university education at least up to their first degree examination. Also, Sir, it has been felt that unless the schools could be very much improved, standards of university education would go down.

Now, Sir, those responsible for the Delhi University Amendment Bill, it seems to me, have taken care, and have I think, taken practical steps, if I am correctly informed, to ensure that standards will not go down. I understand, Sir, that the Central Government have placed, or are about to place at the disposal of the degree colleges of the Delhi University much larger grants-in-aid. I also understand, Sir, that steps have been taken to improve the stuff of some at any rate of the existing high schools in Delhi. I therefore think, Sir, that in Delhi, because of the munificence of the Government of India even during war time, we shall have, or we may have a reasonable hope of having such favourable conditions as Dr. Sir Zia Uddin would desire for such an experiment.

I welcome this measure for another reason. One of the most serious defects of the Indian Educational system, as is common knowledge, is the domination, the excessive domination of examinations. I think, Sir, one great advantage of this new Delhi scheme will be that three examinations at the higher stages of education would be reduced by one. I think, Sir, that is a great gain. Also, Sir, biennial examinations to my mind are an evil, inasmuch as they place undue strain on examinees, and if the staff of the existing high schools in Delhi is satisfactorily improved, I see no reason why the work that is now done up to the intermediate standard may not be achieved in the eleven years that boys and girls will spend at these higher secondary schools.

It has been remarked by the Mover of the amendment asking for circulation of the Bill at this stage that he would like to see progress made in university education in new directions, and I think, Sir, he particularly mentioned the lack of facilities for technical education of the higher standard in the country. I entirely agree with him that that is the most dire need of the country at the present time, but in this matter again, Sir, I think it may well be hoped that the reformed or reorganized University of Delhi before long will have a Faculty of Technology. Already, I understand, the Government of India have taken the initiative of opening in Delhi a Polytechnic School, and I hope that as that institution develops there will be possibilities of opening courses of study in Technology at the Delhi University. But, Sir, I submit that two years, which is the present length of time for which the students

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study for their first degrees, is of too short a period for any technical training which is going to be worthwhile. On that ground again, Sir, I hope that if the House would accord its support to the Delhi University Amendment Bill, it would be giving help in the direction of making it possible to try out new schemes of university education which might truly be regarded as progressive.

I say with due deference to Dr. Sir Zia Uddin and the Honourable Member who has moved this motion for circulation, that I am not convinced that any case has been made out for circulation. I do not, Sir, impute any intention to the Mover of the amendment that his motion is a merely dilatory motion. But I submit that it would have the effect of holding up what I honestly believe to be a measure of reform which is overdue.

Dr. Sir Zia Uddin Ahmad: How does he propose to provide for the migration of students from the Delhi University to other universities?

Mr. S. C. Chatterji: I recognise that that is a question which might well be asked particularly with regard to an university which is located in Delhi city which is rapidly becoming a cosmopolitan city. But, Sir, I submit that it is hardly necessary to introduce into the Act itself necessary measures to make it possible that students from other universities might migrate to Delhi or migrate from Delhi to other universities. I think, Sir, that that is a matter which might well be left to university bodies like the Academic Council or the Executive Council and I am sure that they would—as this House have done this morning—if it should become necessary, frame retaliatory ordinances to see that their degrees and their courses receive due recognition elsewhere.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): There are two motions before the House. The first is with regard to the circulation of this Bill as it has emerged from the Select Committee, and the second is with regard to the consideration of this Bill. When this Bill was introduced and it was sent up to Select Committee, the question was thoroughly discussed. Several objections and grounds were made, and I contributed to an extent my own objections, and the objections which the country and the educationists had. I had expected that those would be removed by the Select Committee even if there was not going to be any circulation made, but at least myself and some others on this side are disappointed in that respect.

That, this is an important Bill cannot be gainsaid. Is there any one Member, I ask, who would say that this is not an important measure for the Delhi University, and who would deny that this is an innovation in the system under which the Delhi University is being carried on?

Sir Cowasjee Jehangir: Are you in favour of circulation or not?

Mr. Lalchand Navalrai: I am not against circulation. Please hear what I am going to say on this very first point, because we are considering not only the circulation motion but the motion for consideration also on its merits. I submit that the whole Act of 1922 is being changed, and there should have been no hurry in getting the Bill through this House. I think it will be admitted by the Government that this Bill is not for the Delhi University alone. If it had been so, then we would have accepted the undertakings that the Government give on their behalf or the educational authorities or the university authorities give on their behalf. But it is not so. This Bill will affect almost all the universities in India because it is not an exclusive university. It is not a university of which only students from Delhi take advantage or the surroundings thereabout. If we go to the university we find that the students are drawn from all provinces,—from Sind, from Bombay, from Madras, and other provinces. Moreover, Delhi is the capital town of India. The Government officers do not live alone in Delhi, but their children reside with them and they take advantage of the university. Therefore, I say that it cannot be said that this Bill is such that it can be passed without consultation and consent of the other universities. On the last occasion when this Bill was introduced and the motion for Select Committee was made, the House on this side condemned the hustling of this Bill through

with so many innovations. On this side we demanded circulation and there should have been circulation before it was asked to be sent to the Select Committee. It seems to me that Government have been made, at the suggestion of some officers of the university, to ignore any other consideration but to get this Bill through. I personally know as a member of the Court of the University of Delhi that our Honourable Vice-Chancellor, the present Vice-Chancellor is keen on seeing that this Bill is passed now. But it should not be done. It is said that when the Government have committed themselves to give grants, it should be taken advantage of. How much grant will you get, especially in the days of the war, for the progress that is desirable in our universities? Government will start with these promises, but when they are asked, they will say, we will give by and by when the money is needed. At what time are we promised these grants? At a time when every rupee in India is being asked to be given for war purposes! I think that their promise cannot be fulfilled. Therefore, the grant question would not solve the difficulty. The difficulties are so many, and therefore we said at the time when the Bill was going to be sent to Select Committee that there should be circulation. That was not agreed to by the Government. Then what was the promise? We said that even the opinions of the University of Delhi and its authorities had not been secured. Well, that was not done by circulation, so that along with the opinion of the Delhi University, the opinion of the other Universities would also come up. That would have solved the difficulty. I say that it affects all the Universities and not only the Delhi University. In that sense, the circulation motion is not a dilatory motion at all. Ordinarily when a matter comes up from the Select Committee any motion like that may be suspected to be a dilatory motion but it is not so in this case. This Bill is such that it should be considered cautiously and seriously, not only by a few people but by educationists of very high standing and position. In that case, I submit that the amendment that has been put in with regard to circulation is one that the Government will be well advised to accept.

When this Bill was going to the Select Committee, several objections were taken. I had put in my objections to the Bill in detail. I won't go into those details but I will summarise what the points were and then consider whether those objections have been met by the Select Committee. If not, the Select Committee's report is not one that can be approved by this House. We find that the change in regard to the three years degree course is provided in section 36 of the Act of 1922. Now, that section with regard to the degree course has remained in force for a long time. It can be given after four years education in college. That has continued to remain since 1922. No objection was taken by any person during this time and it was only very recently that this innovation was called for. The four years degree course has continued to be in force for such a long time. They cannot say that the course has any defects but it may be the intention of the Government to say that they want to improve it. They want to see that the education given to the graduates is of a high order, so that they may be more competent. It is all very well to say that but what about the lower standards. You are providing for the top. You are disturbing seriously the lower standard of education that is being given in the high schools. This is not my opinion alone but it is the opinion of the educationalists also and also of the students and scholars who have made use of the Delhi University. They say that the standard of education in the high schools and even in the colleges is lesser than in the Bombay, Madras and Calcutta Universities. After ten years, they become matriculates. In other places, such as Bombay, Karachi, it is seven years. If we compare the students who come out from Delhi and those who come out from Bombay and other places, I submit that the standard will be lower and this is a matter of general knowledge which we derive from those who have gone to the college. They expect that by giving one year more to the lower classes in the high schools and making it 11 years,

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you can get the work from them of two years more. That means the F. A. and the Intermediate. According to this Bill, you expect that the schools will give education of such a nature which would fit them up to the Intermediate class. Now, that means, in the schools, as the present system is, when they come to ten years, they pass the matriculation. When they have been passing the Matriculation after ten years, how do you expect they will pass in nine years. There will be two years to them to have F.A. and to have the status of the Intermediate also in the high schools. Even if you increase the masters and give them more pay, I do not think for your schools up to the 10th year or the 11th year, you will get professors there on the pay that you would give them. Now, education in the colleges is being given by professors of higher quality, higher aptitude and higher capacity. Those persons will not come to your high schools on a lower pay. Have you calculated how much expense the lower standards will have to bear? You have laid before us nothing about that scheme. We should be satisfied first that the scheme would work and that you are able to give them money and provide masters for higher education, professors exactly like those who are working in the colleges. We have nothing before us. You are improving the quality and the capability of only the higher people, that is, the graduates. But so far as the other students are concerned, you have not placed before us anything from which we can satisfy ourselves that your scheme of giving education for Intermediate class will be more satisfactory. In fact, we do not know how much money has been promised or given to the colleges for making this three years course and how much has been given to the High Schools. When the Bill was being discussed when it was going to the Select Committee, these facts were not placed before us. So, I ask that these facts and figures should be placed before the House before the Government can expect that this Bill will be passed. At present we know that even the present Masters of the High Schools are not satisfied with the salaries they are getting. I think a graduate Master starts his life on Rs. 40 or Rs. 50. If he starts on that salary, what can you expect from him? Will he give you as much work as a professor on Rs. 300 or Rs. 200? Therefore, you are creating new difficulties and the Delhi University will soon find out that they will not be able to meet them. Therefore, I submit that so far as the question of circulation is concerned, it will give us all these ideas. We would then know what expenses are being incurred by the other universities and whether they have really found out for themselves that the course which is being suggested now by this Bill would be a better course than the one which they are following now. We must have that opinion and we must also have detailed facts and figures on that point. We must know what the expenditure will come to because the first thing that is needed for improving anything is expenditure. And in these war days I do not think we can afford to spend much.

As the Bill has emerged from the Select Committee, I find that we have still got to consider several points with regard to this Bill before we give our sanction to it. I know that some people have already made up their minds and they are more or less educationists themselves concerned with the Delhi University. They come prepared to this House and give their whole-hearted blessing to this Bill. But we on this side of the House want to scrutinise the measure. I have also heard my Honourable friend Dr. Sir Zia Uddin speak about the three years degree course. I have respect for him and I have also respect for his expert knowledge. He is himself the Vice-Chancellor, and yet he has not introduced this system in his University. He made a clean breast of the whole thing. He said that they are not dealing with Aligarh only but with places in all parts of India. Therefore, they are not going to introduce this scheme. Government should take a hint from him because he says it cannot be done. What I am submitting is this that even his opinion is not unconditional; his opinion is also qualified. My Honourable

friend who spoke last quoted him as an authority on educational matters and he should know that his opinion is a qualified one. In any case, he is not whole-heartedly for it.

Dr. P. N. Banerjee: He is more against than for it.

Mr. Lalchand Navarai: I think so. When we hear him upon the amendments we will know what his final opinion is. What I am submitting is this that we have not got this three years course anywhere in India. Even in Aligarh and Calcutta they have not agreed to this scheme. Then, take the Benares Hindu University which is a model university. Is there three years course there? No. Then, why this Delhi University which is a small university—I would call it a tiny university—jumping so high and says “We will raise the status of the graduates”? Where will these graduates go? Will they be given appointments in Delhi only or will they go elsewhere also? If they go elsewhere, they will say that they are not as good as the graduates of their universities, though they may have three years course in the Delhi University. What will they do then? How is the Government going to help them there? So, what I say is this, that great consideration should be given to this scheme at the consideration stage.

Notice has been given of many amendments and the last amendment is to introduce racial discrimination in the Delhi University. I will not say anything about it at present. But one would not like to see that there should be these communal differences and considerations in an education institution. I would like to know from my Honourable friend whether the Muslim community has got a sufficient number of Muslim representatives on the court or not. On that point as I said I do not want to say anything but I would tell them not to have Pakistan in that direction and in that field also. The Muslim representation will be a matter for consideration along with other matters. That point will be considered when amendments are moved. I have also given notice of many amendments but I do not wish to dilate on those points at this stage.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better leave the amendments alone till such time as the clauses come before the House.

Mr. Lalchand Navarai: I do not want to say anything about my amendments at this stage. I put myself on the contrary on caution. The points that have to be considered are these. The first is with regard to the innovation about, paid Vice-Chancellor. That was very much debated in the House. It was also pointed out that the appointment should be made at the instance of the University itself, and not solely and exclusively be in the gift of the Chancellor. We have to see what the Select Committee has done and it has complied with what this House wanted. The next point is with regard to the three years degree course. We have to see whether the present section 36 of the Act of 1922 is not sufficient to meet the evil of creating a three years degree course. Why go and amend a section which would otherwise enable them to have the system which they want and which at present is also in force in other Universities. The next point is with regard to the powers of the Court. That has to be very seriously considered. In the opinion of the Vice-Chancellor and of a few who follow him the Court is subordinate to the Executive Council. I do not agree there at all. With that end in view, I should see that more powers are given to the Executive Council than to the Court. I would lay certain authorities on that point. Next comes the question of the constitution of the Executive Council and the powers that are being given to it. The next question is with respect to the powers and the constitution of the Academic Council. Subsequently there is the question of representation of women, on the Delhi University, how it should be done, whether we are satisfied with the provision that has been made by the Select Committee or whether a better method could be devised. Then I would come to the question of representation on the Academic Council and the Executive Council. On all these points materials will be placed before the House to consider, because this is the proper

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stage to consider all these points. Afterwards if we come to the conclusion that the Select Committee report as it has emerged from the Committee will be accepted by the House, then that is a different question. Then we can pass the Bill with a few amendments here and there. If at this stage while considering the Report of the Select Committee, we find that it does not meet adequately with all the points raised, then we will throw it out straightaway. But if the Report does not fall through, and if amendments are to be made, then I request the Honourable Member in charge to consider and give as much facility as possible to Honourable Members who have tabled amendments, so that those amendments will at least tone down the difficulties encountered in the Bill.

I will not go into details. I will first take up the question of appointment of a paid Vice-Chancellor. This is taken up in the Minute of Assent of Dr. Banerjee. The intention is that the initiative should come only from the authorities of the University and not from the Chancellor himself. Here in this House, we elect the President. Not even the highest authority in the country, not even the Viceroy can nominate the President of this House. In like manner the Vice-Chancellor of the University should be suggested by the University itself. The Vice-Chancellor is more or less the head of the institution because the Chancellor will not attend to all the business. The Vice-Chancellor will be the working Chancellor. When you are giving powers to that gentleman, I submit it should be done with the consent of the University. It is for the University to say "we will appoint such and such a gentleman". That would be a salutary provision. We know certain amendments have been tabled with regard to the manner in which the appointment should be made. What I am submitting is that the initiative should come from the University itself, that a paid Vice-Chancellor is required. In the beginning in the House what we said was that there should be only an executive authority of the University that should take the initiative and ask for a paid Vice-Chancellor to be appointed, also how much should be given him. Not that the Chancellor of his own motion should say that the Vice-Chancellor should be a paid one and that he should be paid such and such an amount, that the Chancellor should take the whole initiative and after preparing the whole ground he should send the papers to the University for consultation. I cannot understand such a position. Therefore what we wanted was that it should not be the consideration alone that should be asked for by the Chancellor, but that the move should in the first instance come only from the University, from the

5 P. M. Executive Council of the University. In that connection, I find that a wholesome change has not been made. What we find in this amending Bill is contained in clause 5, proviso. It says:

"Provided that if the Chancellor of his own motion or at the instance of the Executive Council after consultation with the Academic Council is of opinion that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University, the following provisions shall apply" etc.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th August, 1943.