

THE  
LEGISLATIVE ASSEMBLY DEBATES  
Official Report

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Volume III, 1947

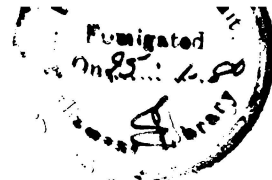
*(10th March, 1947 to 24th March, 1947)*

THIRD SESSION  
OF THE  
LEGISLATIVE ASSEMBLY  
1947



A. B.

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LEGISLATIVE ASSEMBLY

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*President :*

The Honourable Mr. G. V. MAVALANKAR.

*Deputy President :*

Khan MOHAMMAD YAMIN KHAN, M.L.A.

*Panel of Chairmen :*

Syed GHULAM BHIK NAIRANG, M.L.A.

Mr. P. J. GRIFFITHS, M.L.A.

Sardar MANGAL SINGH, M.L.A.

Shrinati AMMU SWAMINADHAN, M.L.A.

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*Assistants of the Secretary :*

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Mr. HASAN MOHAMMAD KHAN.

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*Marshal :*

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

*Committee on Petitions :*

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Syed GHULAM BHIK NAIRANG, M.L.A.

Shri Sri PRAKASA, M.L.A.

Mr. C. P. LAWSON, M.L.A.

Sardar MANGAL SINGH, M.L.A.

CORRIGENDA

to

Index to Legislative Assembly Debates, Volumes I to V, 1947

(3rd February, 1947 to 12th April, 1947)

- Page 11, transfer line 9 above line 6.
- Page 13, omit line 12 from bottom and transfer line 11 from bottom after line 32 from top.
- Page 17, omit line 6 from bottom.
- Page 19, insert "Reserve Bank of India (Second Amendment) Bill. 3092, 3095-96, 3099, 3104." above line 20 from bottom.
- Page 27, insert "Publicity by certain newspapers of the recommendations of the Select Committee on — before the presentation of the report. 1538-39." over line 2 from bottom.
- Page 29, omit existing line 9 and in existing line 25 for "BISCUIT(S)—" read "BIRD(S)—".
- Page 36, omit lines 7 and 8.
- Page 42, after line 16, insert "CIVIL SUPPLIES—".
- Page 43, for line 2 under "COACH(ES)—", read "Air conditioned — on G.I.P., B.B. & C.I., M. & S.M. Railways. 2905-06."
- Page 46, above line 4 from bottom, insert "Terms of reference of Armed Forces Nationalisation Committee. 2940."
- Page 51, under "COTTON—", in line 3, for "907-07" read "906-07".
- Page 58, above line 12 from bottom, insert "Capital Outlay on Civil Aviation. 1966."
- Page 60, for existing line 5, read "Functions of the Commodities Prices Board and matters connected therewith. 1626-42."
- Page 62, under "DEMONETIZATION—", for "2399" read "2390".
- Page 65, last line, for the illegible figure read "3140".
- Page 78, under "FORCES—" after line 3, insert "See also 'Army(ies)'".
- Page 80, in line 3, for "Allied" read "Armed".
- Page 84.—(i) omit line 2;  
(ii) above line 32 from bottom insert "Consideration of Clauses. 510, 528, 945."; and  
(iii) omit line 30 from bottom.
- Page 86, under "GOVERNMENT SERVANTS—" after line 4, insert "See also 'Employee(s)'" and omit line 6 from bottom.
- Page 100, under "HOUSING—" in line 2, after "re-housing" insert "scheme".
- Page 103, in line 9, for "1958-69" read "1968-69".
- Page 107, for line 28 from bottom, read "INDUSTRIAL DISPUTES BILL—"; and omit line 24 from bottom.
- Page 110, above line 11 from bottom, insert "Motion re—".
- Page 122, at the end of last line, read "Simla. 3068-69."
- Page 123, omit line 3 from top.
- Page 127, under "LANGUAGE—" after line 3, insert "order in addressing the House in a vernacular and ruling by Mr. President that an Honour-".
- Page 134, omit line 5 from bottom and in last line, for "890-92" read "990-92".
- Page 138.—(i) under "MANUFACTURE—" in lines 13 and 14, for "dry-stuffs" read "dyestuffs";  
(ii) under "MANU SUREDAR, MR.—" omit line 4, and in line 5, insert "2753 59" before existing page numbers.
- Page 140, in line 35 from bottom, for "drystuffs" read "dyestuffs".
- Page 144, under "MATTHAI, THE HONOURABLE DR. JOHN—" after line 3, insert "Construction of new lines. 1950."

- Page 149, under "MOMBASA—" for the illegible figure read "96".
- Page 153, under "MUTINY—" after existing figures read "763-64".
- Page 154, for existing line 10 from bottom read "Recommendations of the Armed Forces Nationalisation Committee. 1758." and omit line 8 from bottom.
- Page 156, under "NAVY, ROYAL INDIAN—" in line 7, for "the Committee" read "the report of the Committee".
- Page 161, below last line, insert "See also 'Factory(ies)'"
- Page 162, for existing line 16, read "ODDH AND TIRHUT RAILWAY—" and omit lines 1 and 2 at top of the page.
- Page 169, under "PIPERADIH COLLIERY—" for "3389" read "3388".
- Page 172, omit line 7 and transfer the next line after line 1 under "POSTAL EMPLOYEE(S)—".
- Page 173, under "PRESS(ES)—" omit line 1.
- Page 180, for line 7 from bottom, read "Increase of — fares below Re. 1. 1228-29."
- Page 184, in line 10, the missing figure is "1097".
- Page 191, in line 18, for "2920" read "2926".
- Page 199, omit last line.
- Page 204, omit line 3 from bottom.
- Page 205, for existing line 3 from bottom, read "strike. 19-20."
- Page 206, at the end of last line, insert "Provinces. 169-70."
- Page 214, for existing line 18 from bottom read "SKELTON—".
- Page 220, at the end of line 9 from bottom, insert "1313-14".
- Page 223, in line 21 from bottom, for "strike as" read "strikers at".
- Page 224, under "SUGAR—" insert "Question re—" as first line.
- Page 226, under "SUNHEMP—" for "1608. 07" read "1606-07".
- Page 232, in last line, for "89" read "88".
- Page 251, line 19 from bottom, for "3396" read "3395".
- Page 252, after line 7, insert "Motion re—" <sub>1</sub>

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# LEGISLATIVE ASSEMBLY

Thursday, 20th March 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### INDIAN TROOPS IN JAPAN.

**1058. \*Mr. Manu Subedar:** (a) Will the Secretary of the Defence Department please state the number of Indian troops sent to Japan for occupation?

(b) Is it a fact that they are being recalled?

(c) How much cost is being debited to India in connection with this occupation?

(d) How does this figure compare with the amount of reparations from Japan, which is proposed to be given to India?

**Mr. G. S. Bhalja:** (a) The total number of Indian troops sent to Japan as part of the Occupation Forces is 11,414.

(b) Yes, Sir. The Government of India have decided to withdraw the Indian Occupation Forces from Japan as soon as this can be arranged in consultation with His Majesty's Government in the United Kingdom and other Commonwealth Governments concerned.

(c) I would invite the Honourable Member's attention to my reply to part (b) of starred question No. 635 answered on the 27th February 1947.

(d) The amount of India's share of reparations from Japan has not yet been determined.

**Mr. Manu Subedar:** Will my Honourable friend tell this House what is the position of India with reference to the Imperial Defence Council and whether the original decision to send this contingent to Japan was not taken independently of the Government of India and the Government of India merely concurred in it?

**Mr. G. S. Bhalja:** I think I replied to this on a previous question, that the Government of India were asked whether they would like to participate in the occupation of Japan and the Government of India replied in the affirmative.

**Mr. Manu Subedar:** The Honourable the Defence Secretary has said that the decision of the Government of India to recall this contingent from Japan is there but it is now being taken in consultation with His Majesty's Government and with the governments of the Dominion countries. I want to know what is the relation and to what extent India is tied down to this Imperial Defence Council and whether the recent changes in the constitution have not made any difference in the hold which the Imperial Defence Council has over defence matters of this country.

**Mr. G. S. Bhalja:** The British Commonwealth Occupation Forces are treated as one Force for the purposes of occupation and obviously when one party to the agreement desires to withdraw its contingent, it should consult the other parties concerned.

**Mr. Manu Subedar:** I was not raising the issue of the recall of this particular contingent from Japan but I was raising the general issue. What is the present position of India with reference to the Imperial Defence Council and what are their powers over defence matters in India which in the past were absolute. Have those powers been modified?



**Mr. G. S. Bhalja:** I am afraid I am not prepared to discuss that question today. It does not arise out of the question under reply.

**Shri Sri Prakasa:** In view of the fact that in the vocabulary of the Government of India "as soon as" may mean anything, could the Honourable Member fix a target date for the recall of our troops from Japan?

**Mr. G. S. Bhalja:** "As soon as" means as soon as practicable. It is difficult to fix a date.

**Sardar Surjit Singh Majithia:** How many of the troops in Japan are Indian officers of the rank of Major and above?

**Mr. G. S. Bhalja:** I am afraid I must ask for notice of that question.

**Mr. Sasanka Sekhar Sanyal:** Has the expense incurred on the maintenance of the Indian troops in Japan any bearing upon the right to get and also on the extent of the reparations that India will get from Japan?

**Mr. G. S. Bhalja:** No direct bearing, Sir. It is the Honourable Member who put the question in that way and therefore I have tried to answer that it is not possible to indicate the extent of reparations which India is likely to receive from Japan.

**Shri Sri Prakasa:** Would the amount of reparations tally with the amount of loss actually sustained by our Nationals and would they also have some vindictive value?

**Mr. G. S. Bhalja:** I am afraid I cannot give that information. Reparations is not a subject which is dealt with in the Defence Department.

**Sardar Surjit Singh Majithia:** Is it a fact that not a single battalion commander in Japan is an Indian?

**Mr. G. S. Bhalja:** I am afraid I have no information at the moment as to the number of battalions commanded by Indian officers.

**Sreejut Rohini Kumar Chaudhuri:** Has any reparation been demanded from Japan on account of the damages done to the civilian population of Imphal and Kohima and the Nagas?

**Mr. G. S. Bhalja:** As I said, the Defence Department does not deal with the question of reparations.

#### DEMobilIZATION OF INDIAN TROOPS STATIONED ABROAD.

1059. **\*Mr. Manu Subedar:** (a) Will the Secretary of the Defence Department please state the steps that have been taken to increase the speed of demobilisation?

(b) Is it a fact that demobilization has been slower with regard to Indian troops abroad than with regard to Indian troops in India?

(c) What is the total number of Indian troops abroad and what is the number of those who will be ultimately recalled and demobilised?

(d) Which part of the expenditure on such troops abroad is being borne by India and how much?

**Mr. G. S. Bhalja:** (a) The Commander-in-Chief has drawn the personal attention of all the Army Commanders to the necessity for demobilising by the 31st March 1947 every soldier who does not wish to serve after that date and for taking all possible action to get as near the target as possible. The progress of demobilisation has been kept under constant review by the Commander-in-Chief, the Honourable the Defence Member and the Cabinet and any tendency to slow down has been investigated immediately.

(b) There is no separate demobilization scheme for troops overseas since all men due for demobilization are withdrawn to India and released through their Regimental Centres. The Indian Army as a whole will be progressively reduced to its interim strength.

(c) It is not possible to give exact figures as the strength is being constantly reduced. It does not at the moment exceed 80,000. According to present plans all of them will be ultimately recalled and included in the demobilization programme.

(d) No expenditure on troops abroad is borne by India except that on the Indian contingent of the British Commonwealth Occupational Forces in Japan.

**Mr. Manu Subedar:** In view of the fact that India does not bear the charges for the Indian troops abroad, have Government examined the suggestion that surplus British troops in India may be sent abroad and Indian troops brought back to India, so that the British troops may do the overseas duty?

**Mr. G. S. Bhalja:** The disposal of surplus British troops in India is the concern of H. M. G. in the U. K.

**Mr. Manu Subedar:** Is not demobilisation going on also with respect to certain sections of the British troops in India?

**Mr. G. S. Bhalja:** Demobilisation has been going on in accordance with the age and service group scheme.

**Mr. Manu Subedar:** Have Government considered whether this process of recalling Indian troops from abroad cannot be accelerated by accelerating the process of demobilisation of British troops in this country and thus a mutual convenience established?

**Mr. G. S. Bhalja:** The disposition of British troops outside India is not the concern of the Government of India. We are only concerned with the troops, British and Indian, in India. I do not propose to go this morning into the question of the withdrawal of British troops from this country because it does not directly arise out of this question.

**Mr. Manu Subedar:** Will not my Honourable friend give us the reasons and causes why Government have not considered the proposal which I am making?

**Mr. G. S. Bhalja:** Which proposal, Sir?

**Mr. Manu Subedar:** Of accelerating the demobilisation of British troops in this country so as to secure accelerated recall of Indian troops from abroad.

**Mr. G. S. Bhalja:** Indian troops abroad except in Japan are paid for by H. M. G. and are not a liability on the Government of India. As regards troops in Japan the Government of India have already decided to withdraw them as soon as it possibly can be arranged.

**Mr. Manu Subedar:** Have Government considered that Indian troops are not mercenaries to be used for British purposes in different parts of the world? Even if they are paid for by British will the Honourable Member not take into account the feelings which I believe all parts of the House maintain on the immediate recall of Indian troops?

**Mr. G. S. Bhalja:** Exactly so, Sir. I announced only the other day the policy of the Government of India in regard to the withdrawal of Indian troops stationed in all places outside India, and I made it perfectly clear that their policy was to withdraw these troops from abroad as soon as possible, consistent with certain obligations which the Government of India have undertaken. I also made it perfectly clear that in no country would Indian troops be used to suppress any nationalist movement.

**Mr. Manu Subedar:** Can a date be put to these obligations which we have incurred during the war? Will it be before the end of this calendar year or the following calendar year?

**Mr. G. S. Bhalja:** I said, Sir, they would be withdrawn as soon as possible. I am more optimistic than my Honourable friend seems to think. I think they won't have to continue indefinitely—not even for two years.

## CONTROL OVER RESERVE BANK.

1060. \***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state the nature of the control, which the Government of India exercise over the Reserve Bank, which is a private enterprise controlled by shareholders and their Directors?

(b) In what manner do Government make certain that public interest is safeguarded and public policy, as indicated by Government, is fully adopted?

(c) When do Government propose to repeal section 41 of the Reserve Bank of India Act?

(d) Did the Reserve Bank consult Government at any time on the matter of the large volume of sterling balances accumulated abroad?

**The Honourable Mr. Liaquat Ali Khan:** (a) and (b). In law, certain powers are conferred on the Central Government by the Reserve Bank of India Act which enable the former to exercise a general control over the Reserve Bank, I would invite the Honourable Member's attention in particular to Sections 8(1), 11(1), 17, 30, 51 and 58 of that Act. In practice, the public interest is safeguarded through close consultation and intimate co-operation between the Reserve Bank and the Government of India.

(c) The matter is under the active consideration of Government.

(d) Yes.

**Mr. Manu Subedar:** Will the Honourable the Finance Minister tell this House when a Bill for the repeal of Section 41, which he promised at the time of the International Monetary Fund discussions, will be brought before this House?

**The Honourable Mr. Liaquat Ali Khan:** Sir, when I say 'active consideration' I mean it. The Bill is under preparation at the moment.

**Shri Sri Prakasa:** Does the Honourable Member concede the position that the Reserve Bank is a private enterprise and if so are we to take it seriously that he has entrusted the printing of money to private enterprise?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I would refer the Honourable Member to the Reserve Bank Act and I am sure he will be able to find out what the position is.

**Shri Sri Prakasa:** May I know the Honourable Member's opinion as to whether it is or it is not private enterprise?

**Mr. President:** Questions of opinion cannot be entertained.

**Shri Sri Prakasa:** I will put it this way: Is it a fact that it is not a private enterprise?

**The Honourable Mr. Liaquat Ali Khan:** I have referred the Honourable Member to the Act and I have great regard for his intelligence.

**Dr. Zia Uddin Ahmad:** May I know whether we can put questions about the Reserve Bank on the floor of the House?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I have been answering questions about the Reserve Bank on the floor of the House.

**Mr. Manu Subedar:** Will the Honourable the Finance Minister tell this House by what steps and at what time he proposes to implement the decision of Government to nationalise the Reserve Bank of India?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I have said that that is the policy, but I am afraid I am not in a position now to say how and when it will be done.

**Mr. Manu Subedar:** Will the correspondence referred to in the reply to part (d) of the question between the Reserve Bank and the Government of India, or the gist of it, be made available to the Members of this House?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I am sorry the correspondence between the Reserve Bank and the Government of India is confidential.

## CURTAILMENT OF NOTE CIRCULATION TO CHECK INFLATION.

**1061. \*Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state whether Government are aware that the inflationary tendency is still operating and if so, what anti-inflationary steps Government have taken?

(b) Have Government considered the desirability of curtailing the amount of notes in circulation and, if so, how do they propose to proceed with it?

(c) Is it a fact that the bulk of the sterling balances are merely reserves against the notes issued in India?

(d) Will Government lay on the table of the House a statement regarding their policy on the question of inflation and the means, which Government contemplate for checking it?

**The Honourable Mr. Liaquat Ali Khan:** (a) and (d). I have already dealt with this question in my reply to the Honourable Member's cut motion on the 13th March and would also invite attention to paragraph 34 of my budget speech.

(b) Government do not consider any forced contraction of the notes in circulation a practicable or desirable step, since the volume of notes in circulation must depend on various factors like public requirements, velocity of circulation, liquidity preference of the general public for the time being, etc. Actually there has been no expansion of currency since June 1946.

(c) It is true that the major portion of the sterling balances are held at present in the Issue Department of the Reserve Bank.

**Mr. Manu Subedar:** May I ask whether Government will seriously examine the effect of their cheap money policy with regard to the problem of inflation and see whether such a policy does not encourage inflationary tendencies which it is their objective to check?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I do not agree with the Honourable Member that cheap money policy encourages inflation.

**Shri Sri Prakasa:** With reference to the answer to part (d) of the question could the Honourable Member give us an idea as to the amount of notes that are withdrawn on an average per week and the amount of notes that are printed per week?

**The Honourable Mr. Liaquat Ali Khan:** If the Honourable Member will put down a question to that effect I shall be prepared to answer it.

**Prof. N. G. Ranga:** Do these sterling balances or these reserves in the Issue Branch yield any interest at all?

**The Honourable Mr. Liaquat Ali Khan:** Yes, Sir. Some part of it does.

**Mr. Manu Subedar:** May I know whether the Honourable the Finance Minister has seriously examined this question about cheap money and if not will he please examine it?

**The Honourable Mr. Liaquat Ali Khan:** Sir, all these matters are under constant examination.

**Prof. N. G. Ranga:** What is the rate of interest yielded by the sterling securities?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I am afraid I am not in a position to reply to this question offhand.

## GRANTS TO PROVINCIAL GOVERNMENTS.

**1062. \*Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state under how many heads grants are given to Provincial Governments from Central Funds and what is their volume during the last three years to each province?

(b) Have Government considered the desirability of abolishing different heads, under which money goes from the Centre to the Provinces, and of establishing a single workable formula for such distribution?

(c) When do Government propose to have this question examined and brought upto date in view of the changes in the economic life of the country since the Niemeyer award was made?

(d) Has the Nehru Delegation to Australia made any report and, if so, will Government place it on the table of the House?

(e) Have Government reached any decision on this report?

**The Honourable Mr. Liaquat Ali Khan:** (a) A statement giving the information is laid on the table.

(b) No, Sir. Some of these grants are prescribed by law while others are determined with reference to the merits of the case and the requirements of the Provinces. It will be impossible to bring all of them under a single formula or a single head.

(c) In view of the impending constitutional changes it is hardly appropriate to undertake an examination at this stage.

(d) and (e). The report of the delegation has been received only very recently and it is under examination. The question of laying it on the table of the House will be considered in due course.

Statement showing grants made to Provinces.

(In thousands of rupees).

STARRED QUESTIONS AND ANSWERS

2197

Province	Head of Account							Total
	Police	Central Road Fund	Civil Defence	Misc. Expre con. with War (GMF) (1943-44)	Grants-in-aid Provl. Govts.	Customs (Jute Duty)	Taxes on Income	
Madras	2,55	12,40	7,26	3,17		..	2,02,50	3,17,68
Bombay	23,20	5,77	31	2,43	..	..	3,90,00	4,21,71
Bengal	54,25	4,18	3,89,99	4,87	3,00,00	1,16,82	3,90,00	12,60,11
U. P.	2,60	12,90	7,52	86		..	2,92,50	3,16,38
Punjab	16,56	9,53	9,60	67		..	1,56,00	1,92,36
Bihar	27,55	2,01	22,76	1,58		9,68	1,95,00	2,58,58
C. P. & Berar	6,33	2,29	14	3,17	..	..	97,50	1,02,43
Assam	75	76	17,94	3,32	30,00	11,01	39,00	1,02,78
N. W. F. P.	57,85	1,13	14	32	1,00,00	..	19,50	1,78,94
Orissa	5,43	1,02	10,94	1,40	40,00	80	39,00	98,59
Sind	27,07	4,23	32	53	1,05,00		39,00	1,76,16
Coorg	27	2		19				48
Total	2,24,21	56,24	4,66,92	22,51	5,75,00	1,38,31	19,50,00	34,33,19

## Head of Account

Province	Police	Central Road Fund	(Civil Defence)	Misc. Expre con. with War (GMF)	Grants-in-aid Provl. Govts.	Customs (Jute Duty)	Taxes on Income	Total
Madras	16,23	11,19	74	17,83			3,98,40	4,44,39
Bombay	10,80	1,18	17	15,20	..	..	5,31,20	5,58,55
Bengal	65,76	2,98	2,97,67	6,01	7,00,00	1,28,35	5,31,20	17,31,97
U. P.	2,69	6,89	6,21	3,36			3,98,40	4,17,55
Punjab	5,48	9,83	8,56	2,23		..	2,12,48	2,38,58
Bihar	32,61	4,02	5	9,45		3,49	2,65,60	3,20,22
C. P. & Berar	6,78	2,02	5	1,24	..	..	1,32,80	1,42,89
Assam	1,23	1,67	27,01	4,31	30,00	11,45	53,12	1,28,79
N. W. F. P.	51,69	41	11	5,09	1,00,00		26,56	1,83,86
Orissa	6,95	84	9,27	7,34	40,00	92	53,12	1,18,44
Sind	20,90	1,06	17	59			53,12	75,84
Coorg	22	11		18				51
Total	2,21,34	42,20	3,50,01	72,83	8,70,00	1,49,21	26,56,00	43,61,59

(1944-45)

	(1945-46)								
Madras	17,01	11,17	5,02	16,04				4,31,25	4,80,49
Bombay	9,62	23,47	6	27,70				5,75,00	6,35,85
Bengal	91,30	10,64	1,16,36	21,82	8,00,00		1,36,25	5,75,00	17,51,37
U. P.	3,11	17,48	3,84	15,61				4,31,25	4,71,29
Punjab	6,17	3,73	5,77	3,87				2,30,00	2,49,54
Bihar	35,88	3,36		12,44			8,77	2,87,50	3,47,95
C. P. & Berar	11,44	3,42	1	6,01				1,43,75	1,64,63
Assam	1,32	2,64	7,77	6,98	30,00		11,33	57,50	1,17,54
N. W. F. P.	42,63	33	..	6,75	1,00,00			28,75	1,78,46
Orissa	8,69	1,63	14	13,06	40,00		1,01	57,50	1,22,03
Sind	29,90	21	6	66			..	57,50	88,33
Coorg	23			75					98
Total	2,57,30	78,08	1,39,03	1,31,69	9,70,00		1,57,36	28,75,00	46,08,46



**Mr. Manu Subedar:** Will the Honourable the Finance Minister give this House information as to the amount of money going out to the different provinces in the total—it is not found in the explanatory memorandum as it is put under different heads. Could we know how much each province received in the total for different purposes and under different heads?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I have got an exhaustive statement here. It gives the total for each province. I am afraid I have not got the whole total for all the provinces together because the questioner wanted to know what was the contribution made to each province. The statement is here and I think my Honourable friend will be able to get the information he wants.

**Mr. Manu Subedar:** The point on which I desire information is clear. There is 45 crores as grant to provinces provided in the Budget in the next year. In addition to that, I find that under different departments assistance is being given to provinces. I am not objecting to the assistance being given. I want the information on it.

**The Honourable Mr. Liaquat Ali Khan:** These are the heads under which assistance is being given—Police, Central Road Fund, Civil Defence, Miscellaneous Expenditure connected with war, Grants in aid to provincial governments, customs like jute duty, Taxes on Income. These are the heads under which grants are given to the provinces, apart from the development grants that are given to the provinces.

**Mr. Manu Subedar:** On all these heads, what is the total of each province?

**The Honourable Mr. Liaquat Ali Khan:** If it is desired, I will just add up and let the Honourable Member know.

**Mr. Sasanka Sekhar Sanyal:** Do the Central Government exercise the function of a supervising authority in the matter of expenditure?

**The Honourable Mr. Liaquat Ali Khan:** The schemes are sent by the Provincial Governments and we give some grant to meet certain expenses connected with certain schemes but where we give them contribution out of income tax and customs duties, etc., then of course it is for the provinces to spend as they like.

**Mr. Sasanka Sekhar Sanyal:** After the schemes are actually put into operation, do the Central Government check the expenses incurred in that behalf?

**The Honourable Mr. Liaquat Ali Khan:** These are checked by the Departments concerned.

**Sreejot Rohini Kumar Chaudhuri:** Is there also a separate head for grants given to different provinces out of the excise duty on jute and betelnut? Will the distribution of the export duties on tea be included in that head?

**The Honourable Mr. Liaquat Ali Khan:** No share of the export duty on tea is given to any province.

**Sreejot Rohini Kumar Chaudhuri:** What about jute and betelnuts?

**The Honourable Mr. Liaquat Ali Khan:** Jute is given but not betelnuts.

**Mr. Sasanka Sekhar Sanyal:** In reply to my question, the Honourable Member said that the expenditure is checked by the Departments concerned. Does he mean the Government of India Departments or the Provincial Government departments?

**The Honourable Mr. Liaquat Ali Khan:** The Government of India. For instance, if a Provincial Government wants certain grants for police, then the matter goes to the Home Department. Whatever scheme is sent by a Provincial Government is examined.

## POWERS OF REQUISITIONING BOARDS.

**1063. \*Mr. Ahmed E. H. Jaffer:** (a) Will the Secretary of the Defence Department please lay on the table of the House a statement regarding the policy of Government in appointing Requisitioning Boards in different parts of India and stating the powers of such Boards?

(b) Are these Boards merely Advisory Boards or will their recommendations be given effect to by the Government of India?

(c) What is the composition of the Board in Bombay?

(d) Do Government propose to give this Board powers also to consider de-requisitioning of bungalows, flats and buildings still in Military occupation in their respective areas?

**Mr. G. S. Bhalja:** (a) Advisory Boards of officials and non-officials have been established to scrutinise and advise Government on all questions arising from the continued possession by Government of requisitioned property and acquisition of such property

(b) The Boards are advisory, but Government will act on their recommendations as far as possible.

(c) I lay a statement on the table of the House.

(d) This already falls within the purview of the Boards.

Statement

*Composition of the Board at Bombay.*

*Chairman* :—Secretary, Defence Department or his representative.

*Members* :—

(1) A representative of the Works, Mines and Power Department.

(2) Director General, Lands, Hirings and Disposals or his representative.

(3) Major General in Charge, Administration at Command or his representative.

(4) Manu Subedar, Esq., M.L.A., (Central).

(5) Sir Cowajee Jehangir, Bart. G.B.E., K.C.I.E., M.L.A. (Central).

(6) The Honourable Sir Rahimtoola Chinoy, (Council of State).

(7) Mr. Dahyabhai Patel, Chairman. Standing Committee, Bombay Municipal Corporation.

(8) Mr. J. B. Bowman, I.C.S.

## RECRUITMENT AND REORGANISATION OF SECRETARY OF STATES SERVICES.

**1064. \*Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable the Home Member please lay on the table of the House a statement regarding the recruitment and reorganisation of the Services now known as Secretary of State's Services and Central Services with reference to the visit to India of Mr. Arthur Henderson and his colleagues?

(b) What is the decision reached and what will be the future of those officers serving in the Indian Civil Service and the Indian Police?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (b). I would refer the Honourable Member to the replies which I gave to starred question No. 103 put by Professor N. G. Ranga on the 6th February 1947 and to starred question No. 197 put by Shri D. P. Karmarkar on the 11th February 1947.

## LOANS TO PROVINCES FOR POST-WAR DEVELOPMENT.

†**1065. \*Seth Govind Das:** Will the Honourable the Finance Member be pleased to state:

(a) whether Government have reached a decision as to the appropriate amount to be allotted as a loan to the different Provinces of the country for post-war development purposes, if so, what is the amount;

(b) the amounts the Provinces applied for and the amounts Government sanctioned or contemplate sanctioning to the Provinces;

(c) the terms and conditions under which money is allowed to the Provinces and the basis on which such money is allotted to Provinces;

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†Answer to this question laid on the table, the questioner being absent.

(d) whether one principle will govern the allotment of money to all Provinces for post-war developments or whether the case of each Province will be considered and decided separately; and

(e) whether Government propose considering the case of the Central Provinces, Orissa and such other poorer Provinces specially for preferential grants with a view to achieve uniformity of development throughout the country?

**The Honourable Mr. Liaquat Ali Khan:** (a) As I mentioned in my Budget Speech the amount provided in next year's budget for loans to the Provinces for development purposes is Rs. 32 crores. This provision is of course distinct from the market borrowings of the Provinces themselves.

(b) The budget provision is based on the estimates received from the Provincial Governments. The actual amounts of the loans will be settled in the course of the year.

(c) If a Provincial Government takes a loan from the Centre for the same period as that for which the Centre has borrowed during the year, the rate of interest charged to the Province is about  $\frac{1}{4}$  per cent. above the effective rate paid by the Centre on its loan.

(d) and (e). The Central Government are giving special consideration to the claims of some of the poorer Provinces in the allocation of development grants, but they consider that the terms for loan money should be the same for all Provinces.

#### CRIMINAL INVESTIGATION DEPARTMENT, DELHI.

**1066. \*Lala Deshbandhu Gupta:** Will the Honourable the Home Member be pleased to state whether it is a fact that the Criminal Investigation Department in Delhi is also under the Senior Superintendent of Police, Delhi, and that the officers and constables working in the C.I.D. and the regular Police are interchangeable and are generally transferred from one Department to the other. If so, are Government aware that persons serving in the C.I.D. hesitate to bring to the notice of Government acts of corruption and dereliction of duty committed by the officers of the Police? If so, do Government propose to consider the desirability of separating the two services with a view to improve the efficiency of the Criminal Investigation Department?

**The Honourable Sardar Vallabhbhai Patel:** The answer to the first part is yes.

As regards the second part, it is not a part of the duties of the Criminal Investigation Department to bring to the notice of the Government acts of corruption and dereliction of duty committed by the officers or staff of the Police. Bribery and corruption among Central Government servants are dealt with by the Delhi Special Police Establishment, while 'dereliction of duty' on the part of a particular Government servant is the concern of his immediate departmental officer.

The third part does not arise.

**Lala Deshbandhu Gupta:** May I know from the Honourable Member whether he is aware of the fact that in certain areas the regular police officers sometimes overlook the activities of certain organisations and it is the C.I.D.'s function to report in respect of those activities and it fails to report for fear of incurring the displeasure of the Police officers concerned and thus the administration is adversely affected?

**The Honourable Sardar Vallabhbhai Patel:** The duty of the C.I.D. is to report to the police only so far as offences relating to law and order are concerned. It has nothing to do with bribery and corruption. That department is entirely separate.

**Lala Deshbandhu Gupta:** When I refer to all acts of dereliction of duty I include all such activities on the part of the regular police as are not reported now by the C.I.D. I include those activities also in respect of which for one reason or the other they fail to take necessary action.

**The Honourable Sardar Vallabhbhai Patel:** As I said, so far as dereliction of duty is concerned, it is the departmental superior who has to take notice. The function of the C.I.D. is quite different altogether.

**Mr. Muhammad Nauman:** May I know if there is an organisation which keeps a watch on the activities of the police officers indulging in corruption?

**The Honourable Sardar Vallabhbhai Patel:** There is a special branch for keeping watch on and investigating cases of bribery and corruption.

**Lala Deshbandhu Gupta:** May I know whether the Honourable Member is aware that in several provinces the practice followed is that the C.I.D. staff is not under the Senior Superintendent of Police, with the result that they can act independently without fear?

**The Honourable Sardar Vallabhbhai Patel:** I do not know about the practice in the other provinces but I will inquire.

**Lala Deshbandhu Gupta:** Will he consider the desirability of following the same practice in Delhi if he comes to know that this system is working well in other provinces?

**The Honourable Sardar Vallabhbhai Patel:** Certainly, if it is found to be better than the present arrangement.

#### RESTRICTIONS ON PLYING OF TONGAS ON THE MAIN ROAD AT DARYAGANJ.

**1067. \*Shri Sri Prakasa:** Will the Honourable the Home Member be pleased to state:

(a) if tongas are not allowed to ply on the main road at Daryaganj for some distance beyond the Delhi Gate going towards the old Delhi city;

(b) if tongas are permitted to use only a narrow path between the main road and the adjoining buildings;

(c) if beyond this particular stretch, tongas and motors are permitted to run on the common road; and

(d) the reasons for restricting this stretch of road for motor traffic only?

**The Honourable Sardar Vallabhbhai Patel:** (a) to (c). Yes.

(d) The restriction has been imposed in order to avoid traffic accidents.

**Shri Sri Prakasa:** Could the Honourable Member kindly explain to us the mysterious phenomenon because of which the very road, beyond that particular stretch I have referred to, becomes safe for joint tonga and motor traffic, although these too it is not broader even by an inch than the road on which the traffic is restricted near the Delhi Gate?

**The Honourable Sardar Vallabhbhai Patel:** Does the Honourable Member suggest that there should be no restriction?

**Shri Sri Prakasa:** May I suggest that there should be no restriction for tonga traffic on this stretch either, on which there is such restriction at present, and that both tongas and motors should be allowed to ply on this stretch of the road, as they are allowed to ply further up.

**The Honourable Sardar Vallabhbhai Patel:** This part of the road is a business centre and therefore the restriction is imposed.

**Shri Sri Prakasa:** Is the Honourable Member aware that the amount of space reserved for Tonga traffic is exceedingly narrow and that it is difficult for the Tongas to pass, especially when that stretch is also used as a Tonga-stand?

**The Honourable Sardar Vallabhbhai Patel:** The Tonga requires smaller space than the other conveyance.

**Shri Sri Prakasa:** Could the Honourable Member tell us the difference in the width of the Tonga and the motor car?

**Mr. President:** Order, order: Next question.

**RIGHT TO DEFER RELEASE TO OFFICERS OF INDIAN MEDICAL DEPARTMENT.**

**1068. \*Mr. Frank R. Anthony:** Will the Secretary of the Defence Department be pleased to state:

(a) whether Government propose to ask members of the Indian Medical Department, acting as officers, to elect to be demobilised or to revert to their substantive ranks by April 1947;

(b) whether officers in every other branch of the Forces, including European officers attached to the Indian Army, have been given the right to defer their release for a period of two years; and

(c) why the Indian Medical Department officers alone have not been given this right?

**Mr. G. S. Bhalja:** (a) There now being no need for emergency commissions to continue, it is intended that members of the I.M.D. (British and Indian Cadres) holding these commissions in the I.M.S./I.A.M.C./I.M.D. should be asked to elect by 1st May 1947 whether they desire to be released from service on 30th June 1947 or desire to revert to their former entitled status in the ranks which they would have reached in the I.M.D. on 1st July 1947. It is anticipated that by that date the majority of the other Emergency Commissioned Officers in the I.M.S./I.A.M.C. will have been released.

(b) Officers of the British Service may defer their release in accordance with current British Service Regulations whether or not attached to the Indian Army. British Officers of the Indian Army have not been permitted to defer release for two years since September 1946. Since that date Indian officers of the Indian Army have been restricted to deferring their release for periods of six months at a time extendable up to a maximum of two years.

(c) Members of the Indian Medical Department have not been singled out nor has their treatment been in any way discriminatory. All Army Instructions (India) offering Emergency Commissions to members of the I.M.D. made it quite clear that the grant of such Commissions was for the duration of the war or emergency and that members of the I.M.D. although granted Emergency Commissions would retain their I.M.D. status and the rights and privileges of that department on reversion.

**Mr. Frank R. Anthony:** Is it the intention of the Government that they will retrench the members of this Department after they revert?

**Mr. G. S. Bhalja:** I made a full statement on this question in the debate on the cut motion when I pointed out that the officers concerned will have the option either to retire voluntarily or to continue in their former status which they would have attained if there had been no war. Thus, in no respect, this particular class of officers suffers.

**Mr. Frank R. Anthony:** May I know how many specialists from the I.M.D. are now serving in the I.A.M.C.?

**Mr. G. S. Bhalja:** I am afraid I must ask for notice of that question.

**Mr. Frank R. Anthony:** Is it not a fact that all other specialists are being allowed to remain irrespective of age and other considerations and only the specialists from the I.M.S. are being asked to revert or to retire?

**Mr. G. S. Bhalja:** I think that is not correct. Certain medical officers with specialist qualifications are being retained in the I.A.M.C.

**Mr. Frank R. Anthony:** Is it not a fact that while the Government proposes to revert these men to warrant officer rank, they will still be asked to discharge the duties of senior officers?

**Mr. G. S. Bhalja:** I do not think so. When they revert to their previous status of warrant officers, they will perform the duties which the warrant officers ordinarily perform.

**Mr. Frank R. Anthony:** Is it not a fact that the Finance Department has strongly objected to the reversion of these men?

**Mr. G. S. Bhalja:** Sir, it is not the practice of the Government to exhibit in the House the differences of the various Departments of the Government of India.

#### MUSLIM CADETS IN THE INDIAN MILITARY ACADEMY.

**1069. \*Mr. Siddiq Ali Khan:** (a) Will the Secretary of the Defence Department be pleased to state how many batches of cadets have been taken for training in the Indian Military Academy since the termination of the war and what is the percentage of Muslims taken in the Academy?

(b) Is it a fact that the Congress National Anthem is sung daily in the Indian Military Academy?

**Mr. G. S. Bhalja:** (a) Three courses for Regular Commissions in the Post-War Indian Army have been held at the Indian Military Academy, Dehra Dun, since the War ended. I lay a statement on the table of the House showing the dates of these courses and the percentage of Muslims on each course.

(b) No, Sir.

#### Statement

Serial	Date of Commencement of course	Date of termination of course	Total Intake	Number of Muslims	Percentage of Muslims
1st Course . . . . .	25-2-46	22-12-46	127	25	19.7%
2nd Course . . . . .	19-8-46	Dec. 1947	247	40	16.2%
3rd Course . . . . .	27-1-47	Dec. 1948	274	65	23.7%

#### PROMOTION OF COMMODORE LAWRENCE, A SOUTH AFRICAN AS A REAR ADMIRAL

**1070. \*Mr. Siddiq Ali Khan:** Will the Secretary of the Defence Department be pleased to state whether it is a fact that Chief Naval Staff Commodore, Lawrence, is a South African and that he is to be promoted as a Rear Admiral?

**Mr. G. S. Bhalja:** No, Sir.

#### ENLISTING OF SYEDS INTO THE ROYAL INDIAN NAVY

**†1071. \*Captain Syed Abid Hussain:** Will the Secretary of the Defence Department please state:

(a) whether it is a fact that "Syeds" in general, and "Shia Syeds" in particular, are debarred from entry into the Royal Indian Navy;

(b) whether Government are aware that there is no such restriction on their recruitment to the Indian Army and the Royal Indian Air Force; and

(c) if the replies to (a) and (b) be in the affirmative, do Government propose to remove the restriction on Syeds in general and "Shia Syeds" in particular so far as their recruitment to the Navy is concerned; and if not, why not?

†Answer to this question laid on the table, the questioner being absent.

**Mr. G. S. Bhalja:** (a) Yes, Sir. Recruitment of Syeds to the Royal Indian Navy is barred because past experience has shown that the conditions of Service on Ships have not proved acceptable to members of this community.

(b) Yes, Sir.

(c) Yes, Sir, if Syeds are willing to accept conditions of service in the Royal Indian Navy, as they exist. A statement of some of the conditions about which Syeds have made difficulties is laid on the table of the House.

#### STATEMENT

*Some of the conditions which must be accepted by Syeds if they are to serve in the Royal Indian Navy. ...*

(a) Be prepared to eat food cooked in a common galley (cook house) in which food is cooked for all communities by cooks of any religion.

(b) Be prepared to carry out "Clean Ship" duties, which comprise :—

- (i) Holstoning, sweeping and scrubbing of decks, mess docks and flats with any of the approved appliances used in the Service for such purposes.
- (ii) Cleaning and painting of ship from truck to keel (top to bottom).
- (iii) Cleaning of brass work, mess tables and benches, ship's machinery, armament and technical equipment, store rooms, offices, tanks, double bottoms, boats, masts and rigging cold rooms cool rooms and various other parts of the ship not mentioned herein.
- (iv) Duties of "Cook of a Mess" which entail carrying of food, cleaning of mess utensils, washing plates of chief and petty officers, etc.
- (v) Cleaning of galleys (cook houses) by cooks or other ratings.
- (vi) Cleaning of cabins by stewards or by such other ratings as are detailed to carry out these duties.
- (vii) Cleaning of the heads, (Lavatories), bathrooms and other wash places by topass ratings.
- (viii) Disposal of sweepings.
- (ix) Cleaning of such other parts and fittings of the ship as the commanding officer of the ship may require.

#### DISPOSAL OF STAFF CASES BY THE CUSTOMS DEPARTMENT

**1072. \*Mr. Frank R. Anthony:** Will the Honourable the Finance Member be pleased to state:

(a) whether Government are aware of the delay in the disposal of staff cases by the Customs Department with the result that men are frequently under suspension for months, thus causing them financial loss; and

(b) whether Government propose to take any steps to remedy this grievance?

**The Honourable Mr. Liaquat Ali Khan:** (a) No, Sir, Government are not aware that there is in general any inordinate delay.

(b) Necessary instructions already exist requiring that such departmental enquiries should be concluded as expeditiously as possible. There is also provision in the rules for an appeal to the Appellate Authority concerned against an order of suspension, and this should afford redress against any undue delay in the disposal of such enquiries.

**Mr. Frank R. Anthony:** Will the Honourable Member accept the statement that it is almost a rule in the Customs Department for men under suspension to have their cases pending for a period ranging from six months to two years and if I bring numerous instances of such cases to his notice, will he be prepared to look into these inordinate delays?

**The Honourable Mr. Liaquat Ali Khan:** If the Honourable Member will give me some concrete instances, I shall certainly look into them.

#### ARMY UNITS IN BIHAR

**1073. \*Mr. Muhammad Nauman:** Will the Secretary of the Defence Department be pleased to state:

(a) whether it is a fact that Army units were sent to certain districts of Bihar in the month of October 1946, and if so—(i) to which districts, (ii) the number of troops in each district, (iii) the dates on which they reached their destination, (iv) the reasons for requisitioning their services, and (v) the authority which called them;

(b) the date on which the local Army Commander at Dinapore was asked to help the civil authorities to control the situation; the terms on which the Provincial authorities wanted the Army's help; the terms, if any, which the Commander demanded for the use of his Force on the first day; the reasons why the Brigadier wanted 24 hours to reply to the civil authorities; whether the Brigadier communicated with the higher Commander, if so, what was the purport of the communication;

(c) the names of the units which were operating in Patna, Gaya, Monghyr and Bhagalpur Districts from 1st to 10th November with the dates on which they first went out on patrol duties; and

(d) the communal composition of the Army on active duty in Bihar in the four districts mentioned in part (c) as on 4th and 11th November, 1946?

**Mr. G. S. Bhalja:** (a) and (c). Information in this detail is not maintained at General Headquarters and cannot therefore be supplied.

(b) The formal request for military assistance was received from the Commissioner, Patna Division at 18-55 hours on 1st November 1946. Troops consisting of one battalion were in operation by 20-00 hours on the same date. Employment of troops in aid of the Civil Power was in accordance with normal instructions and no special terms were laid down.

(d) I would invite the Honourable Member's attention to the reply to Starred Question No. 411 answered on the 20th February 1947.

**Mr. Muhammad Nauman:** May I know whether there was some difference between the Provincial Government of Bihar and the Military Commander with regard to the terms on which these troops were to be employed?

**Mr. G. S. Bhalja:** I have categorically stated that there is no question of terms to be settled in this matter. Whenever a Civil authority asks for the assistance of troops, it is the duty of the local Commander to comply with the request to the best of his ability.

**Mr. Muhammad Nauman:** May I know whether the Government have the information that the Military Commander refused to allow the troops to go into the villages and was that fact represented by the premier of Bihar?

**Mr. G. S. Bhalja:** I have no such information, but I doubt whether that would be correct.

#### USE OF ARMY IN THE SUPPRESSION OF RIOTS IN BIHAR.

1074. **\*Mr. Muhammad Nauman:** Will the Secretary of the Defence Department be pleased to state;

(a) the places with dates, where the Army opened fire on riotous mobs in Bihar in November, 1946;

(b) the estimated number of the mob encountered at each place;

(c) the number of soldiers and the number of automatic weapons, if any, carried by them;

(d) the number of rounds fired by them on each occasion; and

(e) the number of people injured and killed by Army fire, and recovered by the Army?

**Mr. G. S. Bhalja:** (a) to (d). I am afraid, Sir, that information in the detail required is not maintained and cannot be supplied.

(e) It is estimated that as a result of firing by the Army 313 persons were killed and 83 injured. Nearly all these were picked up by the Army. On many occasions the mob removed their killed and wounded and so it is not possible to give accurate figures of the number killed and wounded.

#### RELIEF OF MUSLIMS OF TELHARA BY THE ARMY IN BIHAR RIOTS

1075. **\*Mr. Muhammad Nauman:** (a) Will the Secretary of the Defence Department be pleased to state the reasons for the failure of the Army to reach in time to save the Muslims of Telhara (District Patna)?



(b) Is it a fact that they were detained at the Police Station? If so, why; on what date and at what time did they reach and leave the Police Station?

(c) Is it a fact that the Army did not patrol Telhara although it is on Masserhi Bihar Road, if so why?

(d) Is it a fact that when the Army reached Telhara they found a large number of wounded Muslim men, women and children there? If so, how many were removed by them and at what time?

(e) Is it a fact that many of the injured persons were not removed on the first occasion? If so, why and what was the estimated number of the injured who were left behind and after how many hours were arrangements for their removal made?

(f) Is it a fact that on the second removal trip, very few injured persons were found alive?

(g) What was the number of soldiers who went for the relief of Telhara?

(h) Did the Army Officer report on the number of casualties found in Telhara? If so, what was the report?

**Mr. G. S. Bhalja:** (a) and (c). The reason is that the limited number of troops available could not cover all localities all the time by patrolling. Troops were sent out to deal with specific disturbances as soon as they were reported.

(b) No, Sir. The first news of the Telhara disturbance was received at Hilsa at 10-00 hrs. on the 3rd November 1946 through a runner. At that time there was in Hilsa one Viceroy's Commissioned Officer and his platoon. The Viceroy's Commissioned Officer at once started out for Telhara with seven men in two 15 cwt. trucks and *en route* encountered one newly dug ditch and two felled trees as road blocks. The Viceroy's Commissioned Officer and his party arrived at Telhara which is approximately twelve miles distant, at 12-00 hrs.

(d) On arrival the party found a mob many of whom were armed with shot guns, surrounding the village and had to open fire to force an entry. On getting into the village they found that a large number of the inhabitants had been killed. The survivors were sheltering in a mosque. During that afternoon approximately 400 survivors were evacuated but a certain number of wounded had to be left behind to be evacuated later. It will be appreciated that eight men and two trucks could not evacuate large numbers of wounded quickly.

(e) Yes, Sir, it is a fact that some injured persons were not removed on the first occasion. The reason for this was as already stated, that there were only eight men and two trucks available for this duty and they evacuated as many persons as they could. On the following morning one officer and two sections arrived early and searched the village for the wounded. This party also came on the mornings of the 5th, 6th and 7th to carry out searches and evacuated about one hundred wounded persons.

(f) No, Sir, at least 100 persons were still alive and were evacuated on the 4th November and subsequent days.

(g) On all dates of the operations at Telhara approximately two officers and 30 Other Ranks were employed.

(h) Yes. Approximately 350 killed and 100 wounded.

**Mr. Muhammad Nauman:** May I know why when the information was available on the 3rd November, the military did not proceed to the place for more than 24 hours?

**Mr. G. S. Bhalja:** They proceeded with the utmost speed. They received information at 10-00 hours. One V.C.O. and seven men reached the place in spite of road blocks at 12-00 hours—a distance of about 12 miles, within two hours.

**Mr. Muhammad Nauman:** With reference to part (d), is it a fact that those who were left behind were left unguarded so that they were liable to be attacked by the mob again?

**Mr. G. S. Bhalja:** I have not got information in this detail, but I have indicated that the number of troops on the spot was small and I am sure the House will agree with me that they did whatever was possible in the circumstances.

**Mr. Muhammad Nauman:** The troops left the injured people unguarded with the result that the mob could go back and kill the wounded people who were left there?

**Mr. G. S. Bhalja:** It is a statement which my Honourable friend makes which I am not in a position to confirm or contradict.

**Mr. Muhammad Nauman:** To the best of our knowledge, the figure 400 survivors is fictitious. Will the Honourable Member kindly make enquiries?

**Mr. G. S. Bhalja:** There is no reason why the information supplied by the local commander should be deemed inaccurate.

**Babu Ram Narayan Singh:** May I know whether Government has got a detailed reeport of the doings of the military employed in Bihar?

**Mr. G. S. Bhalja:** The Central Government receives telegraphic reports on certain events in which the troops have had to take part. It is not the responsibility of the Defence Department to collect information about local riots and local disturbances in the provinces.

**Mr. Muhammad Nauman:** May I know whether this question was referred to the Officer Commanding in charge of that area? May I know whether any effort was made to procure his reply to this question?

**Mr. G. S. Bhalja:** This reply has been drafted on the information available at the General Headquarters.

**Haji Abdus Sattar Haji Ishaq Seth:** Will the Government call for a comprehensive report from the military commander of all the activities of the troops and of all the information collected by them?

**Mr. G. S. Bhalja:** I understand that the Government of Bihar are going to appoint a Commission of Enquiry and I have no doubt that they will call for a report as regards the part played by troops.

**Haji Abdus Sattar Haji Ishaq Seth:** I am referring to the report to be called for from the military commander in charge of these operations. Will the Honourable Member get the information collected by the military?

**Mr. G. S. Bhalja:** I should like to point out that in getting this information and discussing this matter, I hope we are not trespassing on the field of the provincial legislature. It is for the provincial government and the provincial legislature to consider the situation of civil disturbances as a whole. We are only concerned with the part played by troops. That information we have got in the General Headquarters. I have done my best to supply as much information as possible.

**Babu Ram Narayan Singh:** May I know how far the military could go in dealing with the people in riot affected area?

**Mr. G. S. Bhalja:** This is too general a question.

**Babu Ram Narayan Singh:** I want to know whether the military can enter a house of the people and kill the people sitting there in the house, without any provocation from them?

**Mr. President:** These are all hypothetical questions. It is more a question based on criminal law. I do not think any information can be sought on this in the House.

#### REQUISITIONING OF TROOPS BY CIVIL AUTHORITIES IN NOAKHALI AND TIPPERA DISTRICTS IN BENGAL.

1076. **\*Mr. Muhammad Nauman:** Will the Secretary of the Defence Department be pleased to state:

(a) the first date on which troops were requisitioned by the civil authorities for controlling riots in Noakhali, and Tippera Districts in Bengal;

(b) the terms on which they were called out;

(c) the date on which they started operations;

- (d) the strength of the Army as on 20th and 27th October, 1946;  
 (e) the names of the places where they opened fire and the estimated strength of the riotous mobs;  
 (f) the military estimate of casualties due to riots; and  
 (g) the number of persons killed and injured by military firing at places where the troops had to open fire?

**Mr. G. S. Bhalja:** (a) At the request of the civil authorities troops were moved to the area on the 2nd, 3rd and 7th October 1946.

(b) Troops were called out under the usual instructions and there were no special terms.

(c) Troops started operating from the 16th October 1946 on receipt of a specific demand for military assistance.

(d) The troops deployed on the 20th October were six companies, and on the 27th October a Brigade H.Q. and twelve companies were in operation.

(e) I am afraid, Sir, that information in the detail required is not maintained and cannot be supplied.

(f) This estimate is not a military responsibility and no attempt was made to arrive at any overall figures.

(g) Twenty persons were killed and fifteen injured as a result of military firing.

**Mr. Muhammad Nauman:** In this case who requisitioned the army; the Prime Minister or any particular officer?

**Mr. G. S. Bhalja:** It does not matter who requisitions troops. The request must come from the provincial government. It does not matter whether it is made by the Governor or by anybody representing the Governor. My Honourable friend must realise that the executive authority of a province rests in the Governor which he can exercise directly or through the officers whom he appoints. Thus the Governor or any person authorised by him can ask for military assistance.

**Mr. Muhammad Nauman:** The Honourable Member did say in reply to the previous question that the Commissioner of Patna Division requisitioned for military aid. Here he does not say who requisitioned the military?

**Mr. G. S. Bhalja:** I have not got that information at the present moment.

#### INDIAN ENGINEERS ENGAGED ON CONTRACT IN THE M. E. S.

1077. **\*Pandit Sri Krishna Dutt Paliwal:** Will the Secretary of the Defence Department be pleased to state:

- (a) the number of civilian Engineers engaged on contract in the M. E. S.  
 (i) by the Secretary of State for India and (ii) by the Government of India;  
 (b) how many of these are Indians and how many non-Indians; and  
 (c) whether any steps are being taken to terminate the services of non-Indians; if not, the reasons therefor?

**Mr. G. S. Bhalja:** (a) The number of temporary civilian engineers recruited on contract by the Secretary of State is six and by the Government of India 56.

(b) 54 Indians and eight non-Indians.

(c) Yes, Sir. Steps are being taken to terminate these contracts.

**Pandit Sri Krishna Dutt Paliwal:** May I know how long Government will take to replace the non-Indian personnel?

**Mr. G. S. Bhalja:** Not later than June, 1948.

#### PROMOTION OF SUB-DIVISIONAL OFFICERS AS TEMPORARY ASSISTANT ENGINEERS IN M. E. S.

1078. **\*Pandit Sri Krishna Dutt Paliwal:** Will the Secretary of the Defence Department be pleased to state:

(a) the number of Temporary Assistant Engineers in the M. E. S. promoted from among Sub-divisional Officers;

(b) how many of them do not possess any recognized degree or diploma normally specified as the necessary qualification for class I service of Engineers;

(c) whether any steps have been or are being taken to lay down a certain educational and technical standard for Assistant Engineers;

(d) whether it is a fact that a number of existing Assistant Engineers are below the F. A. standard of academical education; if so, their number; and

(e) whether Government propose to consider the feasibility of terminating the services of unqualified Assistant Engineers and Civil Engineers, since the war is now over?

**Mr. G. S. Bhalja:** (a) 202.

(b) Some of these officers did not possess the prescribed qualifications. They were temporarily promoted during the War and were those with the best experience and qualifications available.

(c) Yes, Sir.

(d) Yes, Sir.

(e) The whole M.E.S. Establishment is being reviewed and reorganised and in that process officers with qualifications which are inadequate by peacetime standards will be weeded out.

#### PROPORTION OF CIVILIAN AND COMMISSIONED OFFICERS IN THE M. E. S.

**1079. \*Pandit Sri Krishna Dutt Paliwal:** (a) Will the Secretary of the Defence Department be pleased to state whether it is a fact that Government have approved in principle the policy that the Officer strength of the M. E. S. will be  $\frac{2}{3}$  civilian and  $\frac{1}{3}$  Commissioned Officers of the R. I. E.?

(b) Have any procedure, and educational and technical qualifications been prescribed for filling up the vacancies of officers in the M. E. S.? If not, why not?

(c) Will these vacancies be filled through the Federal Public Service Commission? If not, why not?

**Mr. G. S. Bhalja:** (a) Yes, Sir.

(b) Educational and technical qualifications will be laid down.

(c) New appointments will be made through the Federal Public Service Commission.

#### RECRUITMENT OF CIVIL ENGINEERS BY THE ENGINEER-IN-CHIEF

**1080. \*Pandit Sri Krishna Dutt Paliwal:** Will the Secretary of the Defence Department be pleased to state whether it is a fact that the Engineer-in-Chief has recruited Civil Engineers on contract and also promoted Sub-divisional Officers as Assistant Engineers, without reference to the Federal Public Service Commission? If so, why was the normal method of recruitment to class I services not followed?

**Mr. G. S. Bhalja:** These recruitments and promotions were all made on a purely temporary basis during the war and therefore no reference to the Federal Public Service Commission was made.

#### PERMANENT CIVILIANS OF M. E. S. AS EMERGENCY COMMISSIONED OFFICERS

**1081. \*Pandit Sri Krishna Dutt Paliwal:** Will the Secretary of the Defence Department be pleased to state:

(a) the number of permanent civilians of the M. E. S. who are now Emergency Commissioned Officers in the R. I. E.;

(b) whether it is laid down as a policy that they will not be considered for grant of Short Service Commission in the R. I. E.; and

(c) if so, whether Government are aware that potential officers will thereby be lost to the Corps of R. I. E. when nationalization has to be accelerated?

**Mr. G. S. Bhalja:** (a) Twenty-three.

(b) and (c). Yes, Sir. These officers are *permanent* civilian officers of the M.E.S. and it is essential to revert them to this service to fill senior posts. Their services will not, therefore, be lost to Government who are satisfied that their services can be better utilized as civilian officers in the M.E.S. than as Short Service officers in the R.I.E.

**Shri Sri Prakasa:** May I know what these mystic letters M.E.S. and R.I.E. stand for?

**Mr. G. S. Bhalja:** The Military Engineering Service and the Royal Indian Engineers.

#### CENSUS BY THE RESERVE BANK OF FOREIGN INVESTMENTS IN INDIA

1082. **\*Mr. Vadilal Lallubhai:** Will the Honourable the Finance Member be pleased to state:

(a) whether it is a fact that the Reserve Bank of India is taking a census of foreign investments in India;

(b) if the reply to part (a) above be in the affirmative, what the nature of such a census is and when it is expected to be finished;

(c) if the reply to part (a) be in the negative, whether the Reserve Bank proposes to take such a census in the near future; and

(d) what was the total value of foreign assets in India before 1939, how many of them have been sold out since 1939, and what is the total value of the foreign assets in India at present?

**The Honourable Mr. Liaquat Ali Khan:** (a) No, Sir.

(b) Does not arise.

(c) The matter is under consideration.

(d) No reliable information is available.

**Mr. Vadilal Lallubhai:** Is it a fact that while the sterling debt negotiations were going on the Finance Department made certain calculations about this?

**The Honourable Mr. Liaquat Ali Khan:** I am sorry I cannot give that information.

**Mr. Vadilal Lallubhai:** Is it a fact that these figures were discussed during those negotiations with the British delegation?

**The Honourable Mr. Liaquat Ali Khan:** The matter of negotiations is confidential.

**Mr. Manu Subedar:** In view of the importance of this topic in future will Government consider whether such a census should not be taken for future purposes?

**The Honourable Mr. Liaquat Ali Khan:** I said the matter is under consideration.

**Mr. Vadilal Lallubhai:** What time will Government take to make these calculations known to the public?

**The Honourable Mr. Liaquat Ali Khan:** As soon as the calculations are ready.

#### NIEMEYER AWARD TO THE PROVINCE OF ORISSA

1083. **\*Sri Bhagirathi Mahapatra:** (a) Will the Honourable the Finance Member be pleased to state whether the Province of Orissa was given forty lacs of Rupees in all as per Niemeyer Award from 1937-38?

(b) Are Government aware that the construction of buildings for the Capital for which the above sum was given has not yet been undertaken on account of war conditions?

(c) Are Government aware that the Government of Orissa have to start new departments as a result of expansion after the war, necessitating an increase in accommodation and buildings?

(d) Are Government aware that the cost price of materials have increased many times more than what was estimated in the Niemeyer Award of 1935?

(e) What action do the Government of India propose to take in this direction?

(f) Have the Government of Orissa represented any difficulties to the Government of India in that matter?

(g) Have the Government of India come to any decision?

**The Honourable Mr. Liaquat Ali Khan:** (a) The Central Government paid Rs. 27½ lakhs to Orissa at the time of the separation of the Province for construction of new additional buildings for its capital and another 15 lakhs in five instalments for the same purpose during 1937-38 to 1941-42 in accordance with the Niemeyer Award.

(b) to (d). Yes.

(e) to (g). On a representation from the Government of Orissa for an increased grant for the construction of a new Capital at Bhubaneswar, the Government of India have advised the Provincial Government to postpone their new Capital project for the present because of shortage of building materials and their high prices.

**Shri Sri Prakasa:** May I know what the present capital of Orissa is?

**The Honourable Mr. Liaquat Ali Khan:** I think it is Cuttack.

WITHDRAWAL OF CASES AGAINST TRADE UNION WORKERS IN DELHI

1084. **\*Mr. N. M. Joshi:** Will the Honourable the Home Member be pleased to state:

(a) whether Government have withdrawn the cases pending against Trade Union workers in Delhi in connection with certain strikes and the Anti-Victory Day demonstrations on 7th March, 1946;

(b) if so, the number of cases so withdrawn and the section under which the cases were pending; and

(c) whether Government also propose to withdraw the cases under Section 81(A) of Defence of India Rules pending against seven Trade Union Workers in Delhi, in connection with the All India Postal Employees' strike in July, 1946?

**The Honourable Sardar Vallabhbhai Patel:** (a) Yes, all pending cases relating to the V-Day disturbances except one relating to the burning of the Town Hall have been withdrawn, as also cases relating to strikes except those concerned with Postal and Police strikes.

(b) Ten such cases have been withdrawn. Three of them were under Rule 38, Defence of India Rules, one under Defence of India Rules 56, one under section 435/149 Indian Penal Code, and five under section 7 of the Criminal Law Amendment Act.

(c) No.

**Mr. N. M. Joshi:** May I know why Government are not releasing these people or withdrawing these cases?

**The Honourable Sardar Vallabhbhai Patel:** The reason for not withdrawing cases in connection with postal and police strikes is that incitement to strikes by Government servants should be dealt with more stringently than incitement to other strikes.

PARADE IN NEW DELHI FOR PRESENTATION OF INSIGNIA OF 'GEORGE CROSS'

1085. **\*Shrimati Ammu Swaminadhan:** Will the Secretary of the Defence Department be pleased to state:

(a) whether a parade was held in New Delhi on March 11, 1947 in connection with the presentation of the insignia of 'George Cross' to certain persons;

(b) the names of the persons who were presented with the insignia;

(c) the qualifications of the persons concerned; and

(d) the cost of the parade and the head to which the same will be allocated?

**Mr. G. S. Bhalja:** (a) Yes, Sir.

(b) and (c). The names of those who received this award and the deeds of gallantry for which it was given are contained in the list of citations, a copy of which I lay on the table of the House.

(d) The expenditure incurred in connection with this parade consists of the cost of movement of troops and the travelling expenses of the recipients of the award, apart from the cost of printing the list of citations which amounted to Rs. 1,396-6-0. The cost of movement of troops and the travelling expenses of the recipients are not recorded under a special head of account. Accurate calculation of the cost would involve an expense of time and labour not commensurate with the results, but as the troops came largely from Delhi Cantt., it would be appreciated that the extra expenditure incurred in connection with this parade was negligible.

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*Citation in respect of the Award of the George Cross to Capt. Mahmood Khan Durrani,  
1 Bahawalpur Inf., I. S. F.*

For outstanding courage, loyalty and fortitude whilst a prisoner of war.

With a small party he was cut off during the withdrawal in Malaya. They succeeded in remaining free in hiding for three months until betrayed, when they were arrested and confined.

Refusing to join the I.N.A. this officer devoted himself to rendering valuable service.

He then conceived and put into execution, a plan for thwarting the Japanese plans for infiltrating agents into India. After many delays and set backs due to falling under suspicion he ultimately achieved much of his object.

Presumably, as a result of the suspicion that he had been responsible for the failure of their plans, he was arrested by the Japanese. For ten days he was subjected to third degree methods, including starvation, deprivation of sleep and physical torture such as application of burning cigarettes to his legs.

Subsequently he was given a mock trial and condemned to death but execution was postponed in order that information should be extracted. He was then tortured by various particularly brutal methods continuously for several days. The exact time is uncertain as there were periods of unconsciousness, but it certainly lasted for some days. No information whatever was obtained from him. Thereafter he was kept in solitary confinement for several months, with occasional interrogations and was given little medical treatment and just enough food to sustain life.

When finally liberated he was found to be permanently affected in health and still bears the marks of physical torture. He will never be the same again. Throughout he was fully aware of the possible consequences of his actions and, when discovered, he preferred to undergo protracted and cruel torture rather than confess his plans and save himself, because he still hoped that he might achieve his purpose. To confess would have endangered others lives and might have influenced the enemy to change their plans.

His outstanding example of deliberate cold-blooded bravery is most fully deserving of the highest award.

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*Citation in respect of the posthumous Award of the  
George Cross to Capt. Mateen Ahmed Ansari, The  
Rajput Regiment.*

From the time of capitulation of Hong Kong, Capt. Ansari was separated from his fellow officers and confined with Indian Other Ranks. Every effort was made to seduce him and so obtain his influence to lead others away from their allegiance. He steadfastly continued both by word and example to counter-act all traitorous propaganda and resolutely opposed all attempts at undermining the loyalty of his compatriots.

In May 1942, after warnings and beatings had produced no effect, he was thrown into Stanley Jail where he remained until September 1942, by which time owing to starvation and brutal ill-treatment, which is alleged to have included mutilations, he had become unable to walk. He was released to a camp hospital. On recovering sufficiently he returned to an Indian Other Ranks camp and not only resumed his previous efforts but also organised a system for aiding escapers.

In May 1943, he was betrayed and again thrown into Stanley Jail where he was starved and brutally tortured for several months. Fellow prisoners, both British and Indian, have testified that during this period his outstanding courage and defiance were such as to excite the admiration of all. Finally he was tried and beheaded.

Throughout his long and terrible ordeal his loyalty, courage and endurance never wavered. His example undoubtedly assisted many to remain loyal in spite of sufferings and privation and his name became a by-word for deliberate and cold-blooded heroism.—*Reuter.*

*Citation in respect of the posthumous Award of the George Cross to Havildar Abdul Rehman, The Jat Regiment.*

On 22nd February, 1945, Havildar Abdul Rehman and a party of five Indian Other Ranks were proceeding from D Company at Kletek to Battalion Headquarters at Waroe. Near Keteagan their Jeep blew up on a mine, was thrown forward into a ditch and broke into flames. Havildar Abdul Rehman was thrown clear out of the Jeep and set to work to rescue the three men who lay wounded or injured from the crash, beneath the Jeep. His task was rendered the more hazardous, since owing to the fire, the ammunition carried in the Jeep began to explode. Nevertheless, he extricated one man, and although by this time the Jeep was burning fiercely, succeeded in dragging a second clear. He then turned to the third man was lying under the Jeep by the front near wheel, but, as he took hold of him, the petrol tank under the driver's seat exploded, spouting its flaming contents on him. Despite his condition, he continued his efforts until an ambulance party approached, when, calling out to them to complete his work quickly, he fell, dead, over the Jeep. Havildar Abdul Rehman's complete disregard of his personal safety and his determination to rescue his helpless comrades, in which he persisted even while being burned to death himself, constitutes an example of resolute courage of the highest order.

*Citation in respect of the posthumous Award of the George Cross to No. 15634 Ws. Naik Kirpa Ram, 8th Bn., The Frontier Force Rifles.*

At Thondebhave on 12th September 1945, Naik Kirpa Ram was commanding a section on a field firing exercise. He was lying close to a Sepoy who was firing grenades from a discharger cup, the remainder of his section being in position beside him. The third grenade to be fired fell short and landed only about 8 yards in front of the section position. 15634 Naik Kirpa Ram saw at a glance that if it exploded there many of his section would be killed or wounded. Without a moment's hesitation he leapt up and dashed forward shouting as he did so to the men of his Section, "Get back and take cover". He picked up the grenade, but before he could, throw it into a place where it could cause no damage, it exploded. The main force of the explosion was taken by his body, and he died of wounds shortly afterwards. As a result of his act only two men of his section were slightly wounded. 15634 Naik Kirpa Ram knowing full well the possible consequences, risked his life in order to save those of the men under his command. His fine spirit of sacrifice and devotion to duty will ever be remembered in his Regiment and will be a constant source of inspiration to all ranks.

*Citation in respect of the posthumous Award of the George Cross to No. 17308 Sowar Ditto Ram, I.A.C.*

On the 23rd July, 1944 No. 17308 Ditto Ram was a member of a patrol commanded by Lt. Young. The patrol had been ordered to occupy a hill feature. On reaching the objective at about 2300 hours the patrol ran on to an enemy Schu minefield suffering casualties amounting to 5 men injured.

Sowar Ditto Ram was among those wounded, his left leg having been blown off below the knee by a Schu mine. He applied a field dressing and on hearing calls for help from Sowar Shiv Prashad, who had also been wounded, he crawled forward throughout the minefield to assist him. Sowar Ditto Ram was fully aware of the danger to which he was subjecting himself. It was a danger which he accepted.

On reaching Sowar Shiv Prashad, whose left thigh had been shattered by the explosion of a mine, he applied a field dressing to his comrade's wound. He was in the greatest pain throughout which made the operation both difficult and protracted. Having completed his task, he lost consciousness and died a few minutes later.

Sowar Ditto Ram was a very young soldier with only 2 years service, nevertheless, besides showing the greatest personal courage and disregard for pain, by crawling through a minefield to help a wounded companion, he set the finest example of soldierly comradeship and self-sacrifice. He maintained consciousness only long enough to finish the bandaging of his comrade before he died without a murmur of complaint or a suspicion of regret.

#### DAIRY FARMS RUN BY THE DEFENCE DEPARTMENT.

**1086. \*Mr. B. B. Varma:** Will the Secretary of the Defence Department be pleased to lay on the table of the House a statement showing the following particulars for the last three years:

(a) the number of dairy farms run by the Defence Department for supply of milk and milk products to the Army;



- (b) the number of cows, buffaloes and calves of each breed in the farms;  
 (c) the amount spent yearly on the dairy farms;  
 (d) the balance sheet, if it is maintained, of these farms;  
 (e) the cost of production of milk per pound; and  
 (f) the area of land attached to the farms?

**Mr. G. S. Bhalja:** (a) 1st January 1945—53.

1st January 1946—53.

1st January 1947—47.

(b) I lay a statement on the table of the House (Statement I).

(c) For the year ending 31st March 1945—Rs. 10,79,38,261.

For the year ending 31st March 1946—Rs. 12,44,67,160.

From 1st April 1946 to 1st February 1947—Rs. 5,81,80,864.

(d) I lay on the table of the House copies of Balance Sheets for the years 1944-45 and 1945-46 (Statement II). The Balance Sheet for the year 1946-47 is not yet ready, but the working result up to the 28th February 1947 is a profit of over Rs. 36 lakhs.

(e) I regret, Sir, that statistics in this detail are not available.

(f) 1,10,488,761 acres.

Statement I

All India herd strength on 1st January each year

—	1945	1946	1947
Cows . . . . .	4,835	4,637	3,531
Cow Calves . . . . .	2,792	3,196	2,435
Buffaloes . . . . .	45,194	45,994	23,851
Buffalo calves . . . . .	4,118	6,783	4,837
<b>Grand Total</b> . . . . .	<b>56,939</b>	<b>60,610</b>	<b>34,654</b>

## STATEMENT II.

(i) Balance sheet of Military Farms in India as at 31st March 1945.

Liabilities		Assets					
Particulars	Amount	Particulars	Land	Buildings	Plant, Machinery and Im- plements	Live Stock	Amount
	Rs. a. p.		Rs.	Rs.	Rs.	Rs.	Rs. a. p.
To Sundry Creditors (Liabilities).							
	Rs. a. p.	By Capital as per I. A. F. (D. F.)—25—					
	65,65,377 4 6	Balance on 1st April 1944.	11,44,203	41,34,561	22,23,503	59,00,001	1,34,02,268 0 0
To Govt. Accounts—		Additions	1,04,737	6,98,716	41,63,571	1,25,80,311	1,76,47,335 0 0
A. (i) Interest bear- ing.	24,07,806 0 0	Total	12,48,940	48,33,277	64,87,074	1,84,80,312	3,10,49,603 0 0
A. (ii) Interest bear- ing.	2,09,82,821 0 0	Deduct depreciation, casualties and con- demnations, etc.	1,33,123	7,21,169	21,18,115	1,12,82,579	1,42,54,986 0 0
Total Govt. Account "A".	2,33,90,627 0 0	Net value of Capital on 31st March 1945.	11,15,817	41,12,108	43,68,959	71,97,733	1,67,94,617 0 0
B. (i) Free of interest	42,56,107 8 0	Add Balance of Renewals Reserve Fund Account as per I. A. F. (D. F.)—58.					1,16,00,810 0 0
B. (ii) Departmental	7,48,692 8 0	By stocks in hand					2,83,95,427 0 0
Total Govt. Account "B".	50,04,800 0 0	By cash in hand					3,14,67,305 14 1
Total (Govt. Account A plus B).	..	By Sundry debtors (outstandings)					3,58,354 14 1
To Govt. Account "C" (Banking).	2,89,67,918 10 4	By Reserve Fund Account for Losses sustained up to previous year					59,76,530 14 8
Add balance of Rene- wals Reserve Fund.	1,16,00,810 0 0	By Reserve Fund Account for Loss sustained in current year					18,65,532 5 2
Total	7,55,29,532 14 10	Total					74,66,381 14 10
		Total					7,55,29,532 14 10

Balance Sheet of Military Farms in India as at 31st March 1945.....next sheet.

## (ii) Balance Sheet of Military Farms in India as at 31st March 1946.

Liabilities		Assets					
Particulars	Amount	Particulars	Land	Buildings	Plant, Machinery and Im- plements	Live Stock	Amount
	Rs. a. p.		Rs.	Rs.	Rs.	Rs.	Rs. a. p.
To Sundry Creditors (Liabilities).	73,52,692 15 4	By Capital as per I. A. F. (D. F.)—25—					
To Govt. Accounts—		Balance on 1st April 1946.	11,15,817	41,12,108	43,68,959	71,97,733	1,67,94,617 0 0
A. (i) Interest bearing.	...	Additions . . .	15,867	9,22,698	42,57,067	1,05,63,802	1,57,59,424 0 0
A. (ii) Interest bearing.		Total . . .	11,31,674	50,34,806	86,26,026	1,77,61,535	3,25,54,041 0 0
Total Govt. Account "A".	2,90,69,910 0 0	Deduct depreciation, casualties and con- demnations, etc.	8,145	3,29,972	26,15,730	1,13,40,166	1,42,94,013 0 0
B. (i) Free of interest.	46,24,500 8 0	Net value of Capital on 31st March 1946.					
B. (ii) Departmental.	11,18,780 8 0		11,23,529	47,04,834	60,10,296	64,21,369	1,82,60,028 0 0
Total Govt. Account "B".	57,43,281 0 0						
Total (Govt. Account A plus B).	3,48,13,191 0 0	Add Balance of Renewals Reserve Fund Account as per I. A. F. (D. F.)—68.					1,65,53,163 0 0
To Govt. Account "C" (Banking).	3,80,10,587 14 3	By stocks in hand . . . . .					3,48,13,191 0 0
Add balance of Renewals Reserve Fund.	1,65,53,163 0 0	By Sundry debt as (outstandings) . . . . .					3,62,33,696 11 3
		By Reserve Fund Account or Losses sustained upto previous year . . . . .					2,28,961 10 6
		By Reserve Fund Account for Loss sustained in current year . . . . .					88,20,514 3 3
Total	9,67,29,574 13 7	Total (Govt. Account A plus B)					94,34,138 9 4
							71,99,172 11 3
							9,67,29,574 13 7

ESTABLISHMENT OF CAPITAL OF ORISSA AT BHUBANESHWAR.

1087. \***Mr. Madandhari Singh:** Will the Honourable the Finance Member be pleased to state:

(a) whether Government are aware that the capital of Orissa is going to be established at Bhubaneshwar; and

(b) whether the Government of India propose to meet a portion of the cost thereof; if so, what amount?

**The Honourable Mr. Liaquat Ali Khan:** (a) Government are aware of a proposal to construct a new capital for Orissa at Bhubaneshwar.

(b) The Government of India have advised the Orissa Government to postpone this project for the present. So this question does not arise. •

**Mr. K. C. Neogy:** Do I take it that the answer given by the Government of India to the Orissa Government does not involve a refusal of financial assistance when reconsideration of the matter is taken up?

**The Honourable Mr. Liaquat Ali Khan:** No, Sir, it does not, as a matter of fact the Government of India have advised the Orissa Government not to proceed with the scheme just now on account of, as I said in answer to a previous question, the shortage of material and the cost of construction. It is a very big scheme that they have prepared for the new capital.

**Shri Sri Prakasa:** Will the Government of India discourage the Orissa Government from changing its capital?

**The Honourable Mr. Liaquat Ali Khan:** I think my Honourable friend can use greater persuasion than the Government of India.

**Sir Cowasjee Jehangir:** May I know what has happened to the money—15 or 20 lakhs—already given to the Orissa Government for building purposes?

**The Honourable Mr. Liaquat Ali Khan:** It is being retained in a fund by the Government of Orissa.

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ELECTION OF MEMBERS TO THE COMMITTEE TO CONSIDER THE  
REVISION OF THE CONVENTION *RE* RAILWAY FINANCE

**Mr. President:** I have to inform the Assembly that upto 12 noon on Wednesday, the 19th March, 1947, the time fixed for receiving nominations for the purpose of election of eleven members to serve on a Committee to consider the revision of the Convention adopted under the Assembly Resolution dated the 20th September, 1924, twelve nominations were received. Subsequently one  
12 Noon •member withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected to the Committee:

1. Mr. Manu Subedar.
2. Sjt. N. V. Gadgil.
3. Sri M. Ananthasayanam Ayyangar.
4. Shri Satya Narayan Sinha.
5. Pandit Balkrishna Sharma.
6. Mr. Sasanka Sekhar Sanyal.
7. Mr. S. Guruswami.
8. Khan Mohammad Yamin Khan.
9. Mr. Muhammad Nauman.
10. Dr. Zia Uddin Ahmad.
11. Mr. M. A. F. Hirtzel.

## REPORT OF THE PUBLIC ACCOUNTS COMMITTEE FOR 1944-45

**The Honourable Mr. Liaquat Ali Khan** (Finance Member): Sir, I beg to present the Report of the Public Accounts Committee on the accounts of 1944-45.

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### ELECTION TO STANDING COMMITTEE FOR DEPARTMENT OF WORKS, MINES AND POWER.

**Mr. B. K. Gokhale** (Government of India: Nominated Official): Sir, I move:

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, ten non-official members to serve on the Standing Committee to advise on subjects with which the Department of Works, Mines and Power is concerned, for the financial year 1947-48.”

**Mr. President:** The question is:

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, ten non-official members to serve on the Standing Committee to advise on subjects with which the Department of Works, Mines and Power is concerned, for the financial year 1947-48.”

The motion was adopted.

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### ELECTION TO STANDING COMMITTEE FOR FOOD DEPARTMENT

**Mr. K. L. Punjabi** (Government of India: Nominated Official): Sir, I move:

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, ten non-official members to serve on the Standing Committee to advise on the subjects in the Department of Food for the financial year 1947-48.”

**Mr. President:** The question is:

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, ten non-official members to serve on the Standing Committee to advise on the subjects in the Department of Food for the financial year 1947-48.”

The motion was adopted.

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### ELECTION TO DEFENCE CONSULTATIVE COMMITTEE

**Mr. G. S. Bhalja** (Government of India: Nominated Official): Sir, I move:

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, twelve non-official members to serve on the Defence Consultative Committee for the financial year 1947-48.”

**Mr. President:** Motion moved:

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, twelve non-official members to serve on the Defence Consultative Committee for the financial year 1947-48.”

**Shri Mohan Lal Saksena** (Lucknow Division: Non-Muhammadan Rural): May I know how many meetings were held during the year?

**Mr. G. S. Bhalja:** Three meetings were held during the last year. Perhaps I should mention the subjects which were discussed at the last meeting which was held on the 16th and 18th December 1946. The subjects discussed were:

(1) Consideration of the Report of the Royal Indian Navy Commission of Enquiry;

(2) Discussion of ways and means for meeting the present poor quality of potential material appearing before the Selection Boards for Commissions in the Armed Forces, and to devise methods for local elimination of indifferent material;

- (3) Supply of milk, ghee to the Armed Forces;
- (4) Nationalization of the Royal Indian Air Force;
- (5) Discussion of the details of giving permanent Commissions to Indian Emergency Commissioned Officers;
- (6) Discussion on the future of those officers who had applied for the I.C.S., Indian Police, and Indian Political Service, etc.;
- (7) Discussion on details of procedure of giving civil employment under the Provincial Governments to the demobilized men in the Defence Forces.

**Shri Sri Prakasa** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): What was the decision of the Committee on the supply of ghee to the Armed Forces?

**Mr. President:** I am afraid the decisions of the Committee may be referred to on some other occasion.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): May I know whether this Committee also deals with the question of demobilization, or not, and has this question ever been placed before this Committee?

**Mr. G. S. Bhalja:** The Committee is competent to deal with any questions which any Member of the Committee wants to put in the agenda and which the Honourable the Defence Member, who is the President, is prepared to accept.

**Mr. Sasanka Sekhar Sanyal** (Presidency Division: Non-Muhammadan Rural): On the question of agenda may I make a submission for the information of the House, and for drawing the attention of the Honourable Member to this matter. Sir, the agenda is prepared and circulated in a way that the non-official members are practically excluded from the opportunity of putting forward their suggestions. I referred to this matter when the last meeting of the Defence Consultative Committee was held. Before that, however, informal enquiries were made and the members had no idea as to when the meetings were going to be held. All of a sudden a date was fixed and the agenda was circulated. One of the Members of that Committee wrote to the Department asking for inclusion in the agenda of certain very important matters—questions relating to I.N.A. and R.I.N.—and the reply that was received was that as the meeting was coming up and the agenda had already been prepared and was heavy, therefore there was no time for inclusion in the agenda of such matters. But unfortunately some time after that another supplementary agenda was circulated and this supplementary agenda was prepared by the Department itself. I will not find faults with the past, but I would expect the department to put up things a little better. It will be better for the Department if an idea is given to the Members as to the approximate time when the meeting was going to be called and if suggestions are invited from them for inclusion in the agenda. That would facilitate business and that will also create an impression that the Department is not out to do business in a hide and seek manner.

**Mr. G. S. Bhalja:** I replied to my Honourable friend when he put this question to me on another day in this Session. As I just now stated the subjects placed before the Committee took two days to discuss.

**Mr. Muhammad Nauman:** Where was the harm if it had taken four days instead of two?

**Mr. G. S. Bhalja:** If more items had been added to the agenda, the meeting would have had to be adjourned till the third day. As regards the fixing of the date, perhaps my Honourable friend is aware that it was difficult to fix a date which was suitable to all members of the Committee. I made several attempts to fix a date previous to that but the Honourable Members seemed to be tired after the autumn Session and could not meet immediately afterwards. I have

[Mr. G. S. Bhalja.]

already given an assurance on the floor of the House that all the subjects which my Honourable friend wanted to discuss at the last meeting will be placed in the agenda of the next meeting which, I hope, will be convened soon after the financial year is over. If it would be convenient to my Honourable friends in this House it can meet immediately after this Session is over.

**Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau: Indian Commerce) May I know whether in that agenda will be included the very important question of the acquisition by India of three Cruisers from the United Kingdom, Cruisers which were damaged and which have been repaired and which are of a class which America below up at Bikini?

**Mr. G. S. Bhalja:** Certainly. In fact this question has already been placed before the Defence Consultative Committee, and if desired by any Honourable Member who is a member of the Committee it will be again placed before the next meeting of the Committee.

**Mr. President:** The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, twelve non-official members to serve on the Defence Consultative Committee for the financial year 1947-48."

The motion was adopted.

**Mr. President:** I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for election
1. Standing Committee for the Department of Works, Mines and Power.	24th March, 1947 . .	26th March, 1947.
2. Standing Committee for the Department of Food.	24th March, 1947 . .	26th March, 1947.
3. Defence Consultative Committee .	24th March, 1947 . .	27th March, 1947.

The nominations for all the three Committees will be received in the Notice Office upto 12 Noon on the dates mentioned for the purpose. The elections, which will be conducted in accordance with the Regulations for the holding of elections by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, between the hours of 10-30 A.M. and 1 P.M.

#### COAL MINES LABOUR WELFARE FUND BILL

**The Honourable Shri Jagjivan Ram** (Labour Member): Sir, I beg for leave to introduce a Bill to make better provision for financing measures for promoting the welfare of labour employed in the coal-mining industry.

**Mr. President:** The question is:

"That leave be granted to introduce a Bill to make better provision for financing measures for promoting the welfare of labour employed in the coal-mining industry."

The motion was adopted.

**The Honourable Shri Jagjivan Ram:** Sir, I introduce the Bill.

**Mr. President:** The House will now consider the motion regarding the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara as reported by the Select Committee.

In this respect, while discussing the consideration motion, I should like to make a request to the Honourable Members of the House, I find that a large number of amendments, numbering in all 121, has been tabled. There are two courses open. On the consideration motion, a general discussion might take place and then the amendments may be moved and discussed absolutely shortly just to avoid a repetition of the debate and spending the time of the House. Or in the alternative, the consideration motion may be discussed very briefly and then the merits of each amendment which involves some suggestion or other, may be discussed at greater length. I am making the suggestion just with a view to have an effective discussion in the House as also to avoid repetition and to save time.

**Mr. Sasanka Sekhar Sanyal** (Presidency Division: Non-Muhammadian Rural): May I submit that the former course will be better, because once the Honourable Member in charge of the Bill gets a full idea as to the implications of the amendment tabled, lobby discussions and other things might narrow down the points of difference so far as the amendments are concerned.

**Mr. President:** I mean that the Honourable Members may not discuss the same amendments and the same point after having once discussed them in the consideration motion generally. I am entirely in the hands of the Honourable Members and I will see that the Honourable Members cooperate with me in not repeating the arguments.

**Mr. B. K. Gokhale** (Government of India: Nominated Official): Sir, I am greatly obliged to you for the valuable suggestions which you have just now made. To-day is the 20th March and the existing rent control orders expire on the 24th of this month. So we have only four days left, within which, this House has to finish consideration of this Bill and the Council of State has also to consider the same Bill.

I am very glad that you have stressed the urgency of the matter and I hope that we shall all act up to your valuable suggestions and see that this Bill is passed as quickly as possible. I may add that valuable discussions have already taken place in the lobby during the last few days and the points of difference have been very considerably narrowed down. In fact, I may say that most of the points have been cleared and if Honourable Members will only accept your valuable advice, we should finish this Bill within a couple of hours.

As regards my opening remarks, I shall try to be as brief as possible. Yesterday evening before the House adjourned, I acknowledged my deep debt of gratitude to the members of the Select Committee for the very valuable suggestions which they had made and the many amendments which they had introduced in this Bill. I then went on to explain how we had kept the primary important point in view that we should do nothing in connection with this Bill which would discourage private house-building activity. The Select Committee has very wisely decided that nothing in this Bill should affect any new houses of which the construction will be completed from now onwards. Apart from this, we made a few other modifications in Section 10 by which vacant sites attached to residential and non-residential quarters will be available for new buildings. Thirdly we have tried to be very fair to all interests and particularly to the landlords to guard against any feeling that this is an ex-proprietary measure, that their rights are being taken away and that buildings are being requisitioned though not on behalf of Government but on behalf of the tenants and sub-tenants. I then explained how the Select Committee had allowed for a graded increase in rent, how they had modified



[Mr. B. K. Gokhale.]

the provisions for eviction, how they had protected sub-tenants both from eviction as also from extortionate demands of rent, what provision we had made for repairs, how the penalty clause had been tightened up and how we had provided for speedy remedy in court through the procedure applicable to Small Causes Courts.

I shall now briefly deal with another important clause, Clause 11, which was discussed at great length on the floor of this House before the Bill was referred to Select Committee. Here the Select Committee has made very important modifications. In the first place, Sir, this clause as amended in Select Committee will now apply only to premises in New Delhi. It will not apply to Old Delhi nor to Ajmer-Merwara nor to any other area. Secondly the Government have agreed that this clause should not apply to small tenements or small houses or anything of which the standard rent is less than Rs. 200 p.m. The primary object of this clause is to find accommodation for foreign Embassies and High Commissioners and people of that kind and therefore we agreed that any house of which the standard rent was less than Rs. 200 should not come within the scope of this clause. The third modification to which Government agreed was that in houses of which the landlords got possession for their own residence, whether through Court or on derequisition, should not be touched by Government, should not be taken on lease by Government under this Clause. I hope, Sir, that after these modifications, this clause will now prove generally acceptable to Honourable Members in this House.

**Shri Sri Prakasa** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): And to landlords and tenants also!

**Mr. B. K. Gokhale:** As also to landlords and tenants. These are very substantial concessions.

Sir, this Bill is a control measure under which Government have not reserved any powers for their own officers except for the very limited purpose comprised in Clause 11 of this Bill. This is a control measure of which the working will be entirely in the hands of the people concerned, which means the landlords, the tenants, and the sub-tenants. And I hope and trust that by leaving execution to the people concerned, subject of course to any disputes being taken to the Small Causes Court, there will be no question of corruption or any of the other abuses which are generally associated with controls. I also hope, Sir, that given a spirit of compromise, a spirit of live and let live, a general spirit of accommodation, which is after all essential when we are going to live in the same community and are parts of the same community, this Bill should prove entirely workable and there should be very little occasion for anyone to go to the Court of Small Causes to increase litigation. Government are very anxious not to increase litigation—but for a few hard cases it is inevitable that litigation will have to be provided for. The Bill as now drafted, I hope and trust, will be such that it will prove workable and will not lead to any opposition or trouble.

There are two other small points which I would like to stress. This is not an all-India measure. It only applies to two small areas, the province of Delhi and the province of Aimer-Merwara. Secondly, this Bill does not impinge on any questions of high policy. It is a very mundane, commonplace affair. It only affects these two small areas and there are no questions of high policy involved. Actually all the other provinces in India have already passed their Rent Control Bills and it cannot be said that the Government of India should set up a model which other provinces may copy or which other provinces may follow. I would humbly request Honourable Members to keep these points of view in mind, because that would narrow down the discussion. That is why I am particularly mentioning both these points.

There is just one more point which I would like to mention. No Bill, unless it is in the nature of an encyclopædia can possible provide for every exception. There are hundreds of exceptions and there are hundreds of hard cases. We know that landlords have got their difficulties; we know that tenants have got their difficulties; and we know also that sub-tenants have also got their difficulties. It cannot be said that all landlords are bad or that all tenants are good. There are good landlords and there are bad landlords; but, the majority of them, I presume, are just ordinary landlords. The same thing applies to tenants also. There are good and bad tenants; but the bulk of them, I presume, are just ordinary common people. If we try to meet every possible exception and every possible case of hardship by introducing amendments to this Bill, the Bill will swell to the size of an encyclopædia, I am quite sure that it will create more difficulties, more anomalies and more hardships than we may expect to avoid by petty minor amendments. I have some experience of the allotment of buildings in Delhi and I have found that for each case of hardship which we tried to remove by making a special exception, we introduced fresh anomalies, fresh cases of hardship and fresh grievances. For one grievance which we sought to remove, we had ten grievances freshly created, simply because of the amendment which we introduced to remove one grievance. I would therefore earnestly entreat all Honourable Members to think of these difficulties and not to try to meet every possible case of hardship. We will have to leave these cases of hardship to be dealt with by common sense, by a spirit of compromise, by a spirit of give and take. It is quite impossible to provide for all such cases, in a Bill of this kind. If we take a general view and meet out rough and ready justice to the bulk of the community, that is the best that we can achieve. I feel that the Bill as it has now emerged from the Select Committee, together with the amendments on which there has been informal agreement in the lobbies, will be a good working proposition and the House should have no hesitation in accepting the Bill. With these words, Sir, I commend my motion to the House.

**Mr. President:** Motion moved:

"That the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara, as reported by the Select Committee, be taken into consideration."

**Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, before the avalanche of diverse and partisan amendments breaks out on this House, I felt that I should like to supplement what Mr. Gokhale has very ably put in detail. I should like to supplement it by a few general ideas on this subject for the consideration of the Members of this House, so that they may be able to look upon the problem from a proper perspective and in the context of the economic conditions in which we exist at present and how this is a problem which society as a whole has to deal with and in which it is, not possible, as Mr. Gokhale said, to please every one or to provide for every type of case.

What is the real position? There was a shortage of houses in this country in many cities before the war broke on us, because these cities were expanding. The populations were growing, the governments that were situated in these cities were increasing the number of their departments and functions and generally there were many reasons leading to the growth of cities in the same manner in which cities in India have grown in the past and housing was short. As soon as houses were short, construction took place, when private unsatisfied parties offered a little higher rent, persons who had money, the land and the materials came forward to put up houses. This process has been stopped on account of the war. We are in an abnormal situation. At the same time, this is only a palliative measure, a temporary measure, which does not put an end to the problem and the problem still remains with us.

[Mr. Manu Subedar.]

It is my prediction that in the city of Delhi in the next ten years, even if building material is plentiful, a shortage of houses will still continue, for the simple reason that the growth is faster than houses can be constructed. At the present moment the problem has become absolutely abnormal. Building material is not available. Explanations of different kinds are given, some of which are not satisfactory. This Government is, in my opinion, not carrying out its own declared policy of assisting housing on a large scale, assisting it in every possible manner. Last year the Government announced that houses the construction of which is concluded in two years will be permitted to go free of incometax for a period of two years. That was a very sound measure but I do not think there will be many houses constructed this year, the owners of which will be able to take advantage of this encouragement given by government. There are specific causes of discouragement; as a matter of fact, in the distribution of building material there is almost as much failure and frustration as there is in the matter of cloth and food and their distribution, about which the general public complains.

There is a very abnormal situation now. It is a vicious circle. Capital which would otherwise be directed to building houses is not being so directed. The flow of investment in this particular field has been definitely checked on account of the Rent Act itself. I do not say that for that reason the Rent Act should not come up. I am only pointing out that we have to go to the root of the problem. The permanent solution of this difficulty for all parties and sections concerned is going to be an increased supply of houses and for this purpose, while the Rent Act has to remain, what other measures is this Government taking in order to increase the number of houses which can be constructed in a given time and increased to such an extent that those who might be in difficulties might get suitable accommodation. Even if building material were available today, the cost of replacement has become heavy. As regards the return to the new amount of additional money which is to be put in in order to construct a house, between the economic rent and the controlled rent there is a vast gap and so long as this gap remains nobody is going to build new houses in order to receive less than the reasonable return on the heavily increased cost of building in this country.

**Khan Aodul Ghani Khan** (North West Frontier Province: General): There is no control on the rent of new buildings.

**Mr. Manu Subedar:** There is no control on the rent of new buildings under this Bill, which is a very sound measure but there is in the rest of India and I am addressing the Government of India on the general problem which they have not been able to tackle. So long as this gap remains the difficulty must arise. Who is going to bridge this gap, say by a subsidy from the Centre or the Provinces or by some other measure of encouragement such as reducing the transport and other charges on building materials or in some other way. I submit that this is a problem which is too complicated but it is the only solution in the long run. Do we want rent controls and rent control bills in this House and in every provincial legislature in the country to come up for the next ten or twenty years with regularity with all the suppressed and visible irritations and bad feelings of partisanship on both sides to come up and worry the legislators' lives out of them with these issues? Sir, I think I speak the feelings of most members of this House who must have been flooded with literature, with requests for interviews and with arguments galore. Those of us who through error or through courtesy gave interviews once or twice found ourselves working against a solid rock. The argument was decidedly on one side and no other consideration would count with the people who tried to represent these matters. Sir, I do not blame them. It is our duty as legislators to hear all sides and to do the right thing under the circumstances which I believe has been very largely done in this Bill. But I do say that we must take a long view. This is only a temporary solution

We must take a long view of this problem and make an attempt to provide a permanent solution so that this Legislature and other Legislatures may not be constantly troubled with this problem over and over again and for the mortification of not satisfying either side fully.

Can you satisfy the two sides to this question fully when there is a marked deterioration in human nature in this country? The landlord, if he has got any rights, not only uses all of them fully but he stretches them out and tries to abuse them. The tenant, if he has got certain rights, not only uses them fully but tries to abuse them. I do not say there are not good tenants and landlords. There is no attempt to paint the whole community black because the whole community consists either of landlords or tenant: one has to be either the one or the other. I do not say everybody is bad. But I do say there is a considerable deterioration, there is no room for kindness, for courtesy, for consideration of the other man's difficulties, for imagination, for justice and for humanity in the dealings between man and man. This deterioration is not only in this field but in every field. This problem which we have to consider is a social problem.

Now, Sir, there have been many forms of abuse by landlords in the sense they have increased rents, secured evictions and evaded their responsibility for repairs. There have been equally on the other side many abuses by the tenant. The biggest abuse by the tenant has been when the tenant momentarily becomes a landlord in the sense that he in his turn sublets.

Sir, the evil of subletting is twofold. It is not only objectionable from the point of view of the tenant but from the point of view of the community as a whole. Whereas the law prohibits the landlord from profiteering from the public and from the users of house property, the same law is blind and has omitted to make any provision against a similar profiteering by the tenant who sublets. Cases have been known in Bombay where some of the Iraqi Jews and evacuees have flats of three rooms for Rs. 250. It was an ironical justice, Sir, that each of the three rooms was occupied by a British officer who paid Rs. 350 for each room. Such profiteering by the sub-tenant has taken place and it is a bad phenomenon. I am very happy that abuse by the tenant of his rights and privileges has been met with in this case. Similarly, abuses by the landlords as far as they could be seen and met, have also been met in this case.

With regard to borderline issues, as my Honourable friend Mr. Gokhale said, nobody can provide for all kind of conditions and cases. With regard to that the expedient which we have found useful in Bombay is to have a high level officer like the Rent Controller and the Collector of Bombay to have certain powers to determine the *bona fides* of parties when they make allegations against one another. The expedient has been differed here, but there is no reason to suppose that having regard to the provisions already made it is not a considerable improvement over the past. It would be good sense and we would be doing duty to ourselves and to the House and following the wise words which fell from you, Sir, if we were to examine amendments not in the spirit as to whether absolute justice is done to one or the other side, whether full provision is made for every contingency, but with a view to expedite the progress of business in this House and generally to see whether a rough and ready justice is not already made by the Select Committee. I may say here in my experience of Select Committees there was not one Select Committee in which there was a more determined effort on the part of certain members to press every little point. At every little word, every comma, there was hesitation and a new point of view urged. In other words, Sir, in my opinion this has been so thoroughly sifted out by the Select Committee that this House ought not to devote too much time on this.

[Mr. Manu Subedar.]

Now, Sir, the first social purpose which we have in view is that we should avoid economic displacement which is a very great tragedy in the life of everybody. There is no man, either highly placed or low in life, to whom if you said, either immediately or even with some little notice, 'Go away and find out any place you like', it would not be a terrible thing. The provision that though the sub-tenants were not there legally, yet they should not be displaced, that the burden of this Bill should fall on as small a number of people as possible, that the inconvenience and loss should occur to as small a number as possible, was the guiding principle and I am very happy that that principal has been secured. Sir, the position really is like this. It is like passengers in a shipwrecked boat where the boat is small, accommodation is still smaller and where everybody has to go on short rations and restrictions in the common interest. But when the shipwrecked boat sometime reaches the shore and people are picked up, so far as this is concerned, unless the Government of India make housing a major problem, a major issue, and take special steps, unless they examine, not in the narrow departmental sense of 'This is not my concern, this is the concern of such and such department', unless they examine this subject which in my opinion oversteps the boundary of one single Department—it covers several Departments' activities together—there will be no solution to this problem. I submit, Sir, that there should be a Housing Board appointed by the Government of India to take into account considerations with regard to the difficulties of the building of new houses which are many and which at present go unaccounted for. Everybody who attempts to construct a new house is being sent from pillar to post. There is no clear directive. The Provincial Government says the Government of India are concerned. They say 'we are not concerned; it is the Steel Controller's business'. Somebody else says it is somebody else's business. Even competent parties who attempt in these days to build a new house give it up as a bad job. That is a defect in administration, both Central and provincial, which I would strongly urge should be remedied by the establishment of a small Board, of both officials and non-officials covering all the Departments if necessary. Sir, this is a major issue and I would even like one of the Ministers to be made directly responsible for this and all the Departments can say to him 'We would give you all the facilities you want'. If we do not do it, we will be caught in the vicious circle. Your rent problem will go from one difficulty to a more serious difficulty in future and when that arises the outcry from different sections who are affected will be still greater. In order to avoid that it is my suggestion that the Government of India should actively enquire, should receive suggestions and generally see what is the difficulty to provide capital flowing into house constructions. This problem is very important not merely with regard to this: it is of great importance as an anti-inflationary measure. The money in the pockets of people who are waiting to build houses would then go into the proper field. It is of still greater importance from the point of view of labour. There is not a single trade which can absorb men with greater facility and in larger number than new construction. We find all miscellaneous men and there is an extraordinary amount of money being spent by the Defence Department on resettlement of soldiers. Considerable sums of money are being spent by the Labour Department on much the same object and this complete waste of public funds which these two departments are indulging in could be saved if a similar effort were made in order to increase the amount of capital flowing into house building, because construction can absorb in my opinion something like half a million people straight away in the course of the next three months if this Government will only act promptly and rightly.

What is then my message to representatives both of landlords and tenants? My message to them is this. The problem has been thoroughly sifted, as far as human ingenuity could do it. Provision has been made to satisfy every

interest as far as possible and Government have shown a very praiseworthy attitude in this matter and beyond securing the major issues, namely, that the tenant will not be evicted and that his rent will be controlled up to a particular point, Government have shown a very praiseworthy spirit in this matter and therefore we ought to curtail and check discussion of it and I would advise all those interests who remain dissatisfied with the measure as it finally emerges from this House to unite and to urge on the Government of India and the Provincial Governments to increase house building activity which is the ultimate and final solution of this difficulty. The present Act is a mere palliative and the final solution is the increased supply of new buildings and facilities to be created by the Government of India. Sir, I support the Bill.

**Khan Mohammad Yamin Khan** (Agra Division: Muhammadan Rural): I think the best principle of law is that there should be no restriction on anybody's property and nobody should be restricted in the use of his property as he likes but sometimes this law has to be changed in the interests of the general public. Here the landlord has got his property and he wants to use it but we are going to curtail his liberties but we can only do so to the extent which is just and proper. Therefore this House is in the position of a judge. Here are landlords who want to use the property as they like. The tenants say that if the landlords use their property as they like, what shall be our fate. So this House is in the position of a judicial officer who should see that proper justice is done to both. The landlord should not suffer because the tenants want to take advantage of their position and create a kind of propaganda. The tenants should not suffer because the landlord wants to become greedy and wants to take advantage of his position and oust a tenant with a view to let the premises on a higher rent to somebody else. This is the principle to which the Committee devoted a good deal of attention and they have found that a *via media* should be found which may be satisfactory to all people concerned and I think the Select Committee has brought out a Bill which should be acceptable to everybody.

I know that there are many who will not be content with the provisions of the Bill. In some cases this will hit them hard. Some tenants may feel that they will suffer. Some landlords also will feel the same way. But we cannot take solitary cases into consideration. We have to see that the general public do not suffer. One idea is in the minds of people and that has been given great publicity which I hope the House will drive away from their minds. It is this, that all tenants are poor and all landlords are rich. This is absolutely wrong.

**Shri Sri Prakasa:** Quite so.

**Khan Mohammad Yamin Khan:** This is the propaganda going on. Some cases have come to my notice and I trust also many Honourable Members who sat in the Select Committee. There are certain widows who own no other property except a house which is bringing Rs. 30 or 40 a month. They have let out the house probably to a man whose income is Rs. 300 a month. This was let in 1939. In 1939 the widow could certainly manage to live on Rs. 30 a month, a moderate life. Her children may have been small at this time but during the last 6 or 7 years the children have grown up. Prices have gone up four times. Now, are we to force this widow to continue to let her building for the same old Rs. 30 a month when the tenants' income has probably risen to Rs. 600 by this time. Now, who is poor, the tenant or the landlord.

There are many people who own property worth Rs. 100 or Rs. 200 a month. In 1939, the man could live in decent life on 200 a month but what you could get for 200 in 1939 you cannot get for 800 now. The tenants have also increased their income. The population has increased, the cost of living has gone up. Everybody is doing many times more business than what they were doing before the war while you have taken into consideration the small tenants paying Rs. 25 a month you have ignored the landlord who has also been hit hard by the increased cost of living and the increase in the prices of all other commodities.

[Khan Mohammad Yamin Khan.]

There are many cases which have been hit hard. I do not think that in a measure of this kind proper justice could be done in every case. Unless we allow free play to economic considerations, see how many houses are available, how many people are wanting them and so on, we cannot do proper justice. When we are curtailing the rent in the interest of the people, I do not think we should take into consideration each and every case. Now, let us see who are mostly the people who are tenants? Before the war the population of Delhi was not even 7 lakhs during winter; in summer it used to be something like 3 to 5 lakhs. The population now is about 12 lakhs throughout the year. This shows that the tenants have mostly come from outside and they are not the Delhi people. Now, is it right that the people who live in Delhi and who own property in Delhi should be penalised to an extent which may be unbearable for them and that people who come from outside and who make lot of money in business should not pay anything out of their gains to the landlords? This, to my mind, is quite unjust and unreasonable. If it were a permanent measure, I would have gone for this principle, but as it is a temporary measure I do not mind it. Let us see if a tenant who is living in a residential house is paying 10 per cent. of his income. If he was paying 10 per cent. of his income in 1939, is he still paying at the same rate for his house rent?

**Shri Sri Prakasa:** We are charged about 25 per cent. of our allowances.

**Khan Muhammad Yamin Khan:** The case of the Honourable Members of this House is different. They do not receive any salary; they receive only an allowance and they come here at a great sacrifice. They can make plenty of money in their profession, but they come here at a great sacrifice.

**Shri Sri Prakasa:** Why are we charged so highly?

**Khan Muhammad Yamin Khan:** I do not want to go into that question. As I was saying, if a man has got the capacity to pay house rent at the rate of 10 per cent. of his income, why should he insist to pay only 1 per cent. of his income, which was the case in 1939.

**Khan Abdul Ghani Khan:** What about the cases of those people who have a fixed income like the school teachers and Government servants? They have not had any increase at all.

**Khan Muhammad Yamin Khan:** There are some people who have got fixed income and they have had no increase in their incomes since 1939. But such cases are very rare, because every employee of the Government of India has had an increment. It may be that the school teachers have had no increment. I know that even a carpenter who used to get Rs. 1-4 a day, is now getting Rs. 4-8 a day and the labourer who used to get 7 annas a day, is now getting Rs. 1-8 a day. Do you think these people whose income has been increased by three times should continue to pay the rent at the fixed rate while they pay everything else at a much enhanced rate? If this is allowed, then all those people who depend entirely on the income from rent will be hard hit. We should therefore consider the matter coolly when we have to decide between the two conflicting interests. Even if we want to put a restriction on the rent for residential property, we should see that that restriction does not hit the owners of the property hard and unjustly. We took all these matters into consideration, both as regards business premises and residential buildings, including the cases of sub-tenants, and we came to the conclusion that is embodied in the report of the Select Committee. I hope the House will support this decision which has been arrived at after mature consideration. There are 140 Members in this House and if every Member has got his own ideas about each clause, then there will be so many ideas. When a Bill of this kind is referred to a Select Committee, it is threshed out there and a certain decision is arrived at which should be generally acceptable to all. So, I hope the House will accept the Bill as it has emerged from the Select Committee and will not introduce many changes in it. After all, we have got a very limited time and if we do not pass this Bill into law, what would be the fate of those people whom we want to give protection.

**Lala Deshbandhu Gupta:** (The Honourable Member spoke in Hindustani. For Hindustani text see Appendix to the Debates for the 20th March, 1947: English translation given below.—Ed. of D.), Sir, I was just pointing out the difficulties with which we are faced, so far as the housing problem is concerned but I do not wish to dilate any more on it.

**Lala Deshbandhu Gupta** (Delhi: General): Sir, I am thankful to the Honourable Member, Mr. Gokhale who, according to his promise, gave full freedom to the members of the Select Committee to amend the Bill according to their views. Accordingly, if the Bill as it went to the Select Committee and the Bill as it has emerged therefrom be compared it will be found that the Select Committee has given good attention to its clauses and have considered it from every aspect. Government placed no hinderance in our way and we are

1 P.M. thankful to them. They have assured the House that if the Members would amend it they would have no objection. Lot of time was devoted to it in the Lobbies. It then went to the Select Committee who has amended it. I hope time will not now be wasted and the amendments which have been fully discussed will be accepted by the Government. Sir, I am fully at one with my friends in this, and it was greatly stressed at the time when the Bill went to the Select Committee, that until a large number of houses was built the problem could not be solved. The scarcity of the houses can be judged. The anxiety and the running about of landlords and tenants testifies to the shortage of houses. Both sides were justified in their expression of grief and anger. Unluckily or luckily I am a resident of Delhi and so it concerns me more. At first the Bill was nicknamed Landlords' Bill and now they say that the Select Committee has made it the Tenants' Bill. The Bill is neither a landlords' Bill nor a tenants' Bill. The Select Committee have tried to do the utmost justice to both. Sir, if you will look at the amendments made by the Select Committee you will find that the most important amendments which have been made with respect to the rent relates to clause 9. When it went to the Select Committee the standard rent was fixed on the basis of 1946 rent and an increase of 1/3rd was recommended over it, but the Select Committee after consideration fixed the standard rent on the basis of 1939 rent instead of 1946 and the increase in the grade scale has been calculated on the basic rent of 1939. The increase in rent in the various provinces in this connection has also been considered by the Select Committee and the graded scale proposed by the Select Committee is right.

My friend, Khan Mahammad Yamin Khan has said that consideration should be paid to small landlords. I feel for them and wish justice should be done to them but I am afraid if efforts were made to justify their case the problem will remain unsolved. According to proposed grade scale an increase of Rs. 12-8-0 is made in a rent of Rs. 25. My learned friend has referred to widows. So far as widows and orphans are concerned I agree that something should be done for them. I think all the members of the House have sympathy for them but there are a lot of difficulties in the way. First of all if a separate standard is fixed for the property of widows it will not look nice to have different rents from tenants living in the same street. I find no other solution for it than this that the tenant renting a widow's property should have a regard for her and pay more rent. I request my learned friends to find out a way out so that it may not be considered an offence.

Sir, so far as the tenants are concerned the most important objection made on their behalf was that they should not be evicted. Regarding the increase in the rate of rent the important provision is in clause 9 and it may be laid down that tenant living in a house should not be evicted. The report submitted by the Select Committee makes provisions not only for the landlords but for the tenants also inasmuch as it lays down that tenants should not be evicted. So the tenants should rest content that there is no question of eviction now in the



[Lais Deshbandhu Gupta.]

Bill. Moreover, if a government servant retires from service the landlord may get his residence vacated for himself. So far, however, as I have considered Section 9 I have come to the conclusion that no scope for evictions, has been left in the Bill. The tenants must therefore feel pleased that their greatest demand has been met with. It has been decided that suits now pending in the Courts should not be meddled with but such suits will be very few. Sir, the tenants should be happy that the question of eviction no longer remains in the Bill. Moreover the tenants should be satisfied that the reduced graded scale is a fair scale. It is far less than when the Bill was sent to the Select Committee. So far as business is concerned, Sir, the rent for business premises has been doubled. Keeping in view that in these days people are prepared to pay Rs. 15,000 as *pugree* to the landlords this does not appear to be a hardship. There is another thing, Sir, which tenants do and which we should take into consideration and that is sub-letting. I emphasized it in my first speech that while the leased houses were mentioned in the ordinance no safeguard was proposed for the sub-tenants whose number is many thousands. I think the Select Committee have done greatest service to the sub-tenants. You will find, Sir, from their recommendations that they have not only recognized them but have proposed a fair rent for them also and their position is the same as that of the tenants. The second proposal is regarding tenants who number thousands and who were charging from their sub-tenants whatever rent they desired. A person paying Rs. 20 for a Government quarter was charging Rs. 100 from his sub-tenant. Now they won't be able to charge excessive rent from their sub-tenants. Sir, I consider that the Select Committee by recognizing sub-tenancy have afforded relief to thousands of sub-tenants. This has at the same time done a great good to the tenants also because, although they were charging very high rents, subtenancy was an important ground for eviction. All the ordinances which were issued in this connection held sub-tenancy one of the grounds for eviction; but now the Select Committee have provided a safeguard for them. Those who were realizing rent clandestinely have now got the right to realize it openly. Tenants can now realize rent from their sub-tenants. The Select Committee have not overlooked the landlords also. Their greatest complaint was that the tenants had become owners of the houses, they keep sub-tenants and charge very high rents from them. The fact was that the tenants wanted to become landlords without the obligation of paying house-tax, etc. They realize large sums from the sub-tenants and pay no heed to the landlords. But, now in the Bill which has emerged from the Select Committee while the sub-tenants are recognized the landlords are also considered. Now they will get half of the rent which the tenants realize from sub-tenants. The landlords, therefore, have no occasion to complain now. Moreover, tenants will not keep sub-tenants without the consent of the landlords. This shows that justice has been done to both landlords and sub-tenants. Sir, however, so far as the sub-tenancy is concerned, Select Committee's report relates only to residences. At that time the question of residences was before the Select Committee. But is it not the duty of the Government to look to the interests of the business premises also? It is correct to some extent that this question is not so important. The opinion expressed by the Select Committee, however, is good. I think it will cause great trouble to a large number of people if the question of business premises was left unconsidered. There is a large number of businessmen in New Delhi and if no relief is afforded the result will be confusion. I suggest that sub-tenancy may also be recognized for business premises. I therefore appeal to my Honourable friend and to the House to extend the same recognition to the business sub-tenants as they have extended to the residential sub-tenants giving at the same time a fair treatment to the landlords also. This can be done in this way: In the case of sub-tenancy, we have increased 25 per cent. rent for residential premises; for business premises, we may increase 50 per cent. out of which we may give 25 per cent. to the tenants and 25 per cent. to the landlords. My learned friend might think 50 per cent. increase as too high.

I may remind him that this increase is not to be levied from poor tenants but from businessmen who keep shops in Connaught Place to make money. There should be nothing against it.

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. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

**Lala Deshbandhu Gupta:** Sir, I was pointing out the amendments made by the Select Committee with regard to tenants. Looking from the landlords' point of view, Sir, we find that the Select Committee have endeavoured to provide for the realization of rent from the tenants. Landlords have always been complaining that they could not realize their rent. They said that the rent was less and its realization was attended with a lot of troubles. Legal proceedings have to be instituted and a lot of botheration has to be faced. In this connection, Sir, the Select Committee have proposed that in future suits will be decided by Small Causes Courts. This will reduce the duration of the suits and the lawful complaint of the landlords will be removed. Besides, the landlords complained that the tenants have occupied the residences and their compounds in such a way that no further construction work can be carried out in the compounds. The Bill lays down that the landlords were free to construct buildings in the vacant places and the tenants shall have no power to stop them. Sir, when we look at the Bill we find that efforts have been made to remove lawful complaints of the landlords. I want to draw your and the attention of the House, Sir, to the provisions in the Bill which in spite of the recommendations of the Select Committee require amendments. They are as follows:—

(i) So far as the sub-letting of business premises is concerned it should be validated. Sub-letting of portions by tenants to shopkeepers should be legalized just as permission has been given to the tenants of residential premises to sub-let a portion of the house. There is no doubt that it is the right of the landlord to let any portion of the premises but since sub-tenancy has been recognised it should be extended to business premises also. At present hundreds of small shopkeepers, such as tailors, barbers, etc., are engaged in business. If they were asked to vacate their shops it will be a great hardship to them. They will not be able to go anywhere. I therefore think it proper that their sub-tenancy should be legalized and a reasonable rent should be fixed. Just as I have given notice in my amendment a portion of the rent should go to the landlord.

(2) Just as the sub-tenants have been disregarded there is another class of tenants which has not been mentioned in the Bill. Select Committee has also not taken notice of them. They are the people who live in their houses and ply their professions. For instance, there are many bungalows in New Delhi where doctors carry on their practice. The landlords object that the bungalows were residential but these people ply their professions there and earn large sums of money. Under the eviction clause those people could be evicted by landlords who need the premises for their own use. Sir, this has been a practice for a long time in New Delhi. People have been living in their houses and practising their profession. My proposal is and I think the Members of the House and the Government will accept it without any objection that for such residential premises which may be called business *cum* residential premises a new standard of rent may be fixed and they may be considered business premises for the purposes of fixation. I think that the intermediate scale between residential and business premises that is  $1\frac{1}{2}$  or 50 per cent. above the residential rent may be fixed for this sort of houses. This will remove the complaints of the landlords and the tenant who is carrying out his profession will also be to a great extent protected.

Of the rest of the proposals placed before the House I also want that the Government should give an assurance that the rent of the houses acquired by the Government shall also be fixed according to the standard rate. This question was raised in the Select Committee but it was said on behalf of the Government

[Lala Deshbandhu Gupta.]

that since those houses were on lease and not on rent they cannot be dealt with in this Bill. I think that it is not difficult for the Government to give an assurance that the standard rent which will be charged from other houses will also be charged from houses acquired by the Government.

Sir, so far as eviction is concerned if you will look to clause (9), you will find that under its sub-clauses (h) and (i) tenants can be evicted. It is laid down that tenants could be evicted if they contravened the terms of the lease entered with the Government. In reality, the Government holds the landlord responsible. It is the duty of the landlords of houses built on lands leased by the Government to fulfill the terms of the lease but the landlords' plea is reasonable that the person who contravenes the terms is the tenant and not he. For the notice which is served by the Government two provisions (h) and (i) have been introduced in clause 9. Keeping it in view I suggest that a general clause may be introduced which may draw the attention of the court to the provisions over and above the eviction clauses mentioned in the Bill to ensure that no injustice is done to anybody and that the tenants have room to present their case and to prove the extent of their responsibility. So far as the question of contravening the terms of the Government or Improvement Trust lease is concerned one aspect of it is this that the notice is served by the Government on the landlord and the tenant has no knowledge of it but he is evicted for contravening these terms. An amendment has, therefore, been offered requesting that whenever the Government gives notice of contravening the terms, a copy of it should also be sent to the tenant giving him an opportunity to remove the complaints and save himself from eviction. I think it is a fair amendment and the House and the Government will have no hitch in accepting it. One of the rightful complaints of the landlords is that there are tenants who are millionaires but live in rented houses paying the rent at the rate which was prevalent in 1939, while for their own properties acquired after 1939—in 1942-43—they charge many times more rent. It is with respect to such cases that tenants and landlords who pay less rent and realize more rent for the new houses which they have built will be forced to go to their own places. An amendment has been proposed in this connection suggesting that tenants and landlords who can build their own houses shall be asked to vacate and go to their own houses. This amendment will entitle landlords after it becomes a law that people who have their own houses shall have to vacate and go there. These are principal matters for which amendments have been moved. They have been considered at length by the Government and I believe there will be no difficulty in passing them. Another complaint of the tenants is that the section sets up only one machinery of small causes courts. It may be that a case has not been properly decided there. Consequently, Sir, an amendment has been proposed that so far as eviction is concerned they may have the right of appeal in such cases to the District Judge. It is a reasonable amendment and its acceptance will remove this complaint. Sir, I will not take much of your time. I may, however, incidentally support what my learned friend Mr. Manu Subedar said this morning that the right way of solving this problem is to build more houses. I stressed this point in the early stages of the Bill that Government should afford opportunities to build more houses and today I once more strongly appeal to the Government in this connection. My learned friend Mr. Gokhale has said that keeping in view the priority in building this shall have no application on future constructions. But the Government have given no assurance that they will not do so. I say that so far as the Provincial P. W. D. is concerned it is guilty of criminal negligence in this connection. It has done nothing up to this time to show that it has made any effort to solve the problems of Delhi. Improvement Trust in Delhi is an institution which can do a lot of service to the city but to our misfortune if the Honourable Member for Works, Mines and Power would look to the activities of the Improvement Trust he will find that the Trust has done nothing except making a few crores of rupees by acquiring some land and properties for a few rupees and selling them for lakhs of rupees.

I think Government had no right to spend thirty lakhs of rupees on the Anti-malarial Scheme out of the one and half crores of rupees earned by the Improvement Trust. I think it was the legal right of the people of Delhi that the money realized from them should be spent on slum clearance. Two or three Viceroy's and Mahatma Gandhi after seeing the sweepers' quarters expressed very strong condemnation saying that the Government pay no heed to the Delhi slums. Whenever a question was raised it was answered by the repetition of long programme of the Improvement Trust. The House is informed that the Trust have large schemes in hand. The fact, however, is that if you will see to the progress of the Improvement Trust for the year, you will find that no building activities were undertaken nor have they done anything towards slum clearance. Like *baniyas* they have only tried to increase their own capital. They have been selling land at Rs. 30 per sq. yard which only five years ago they bought for Rs. 4 per sq. yard. Although Improvement Trust make so much money by sale of land, they have made no buildings on the vacant lands. They have sold 3,000 plots which are lying vacant. If the Improvement Trust had tried and the Government had afforded facilities for building there would have been 3,000 houses built today. Government do not give facilities for building houses but they are realizing lease rent at the exorbitant rate of 2½ per cent. I would, with due deference, urge the Department of Works, Mines and Power that if they desired that the problem of Delhi may find a solution they must adopt ways which are essential for its solution. I have a note which will show you what difficulties come in the way of obtaining building materials. You will find that the only excuse of the Chairman of the Trust is that quota of steel is only 125 tons.

**Mr. President:** I am afraid all this is not quite relevant.

**Lala Deshbandhu Gupta:** Sir, I was just pointing out the difficulties with which we are faced, so far as the housing problem is concerned but I do not wish to dilate any more on it.

Sir, I should say that it is the duty of the Honourable Member for Works, Mines and Power to look to this difficulty. Out of the steel which is being given 113 tons is given to the makers of trunks and only 12 tons is given for buildings. Similar are the cases with cement, lime, etc. I want to tell you that in a civilized world houses are as essential as food, water and air. What a pity that in Delhi, the Capital of India this problem begs for solution? In the year for 5 or 6 months people from outside come and reside here. It is not a question only for the comfort of the people of Delhi but for the convenience of the people of the whole of India. The outsiders, therefore, should take as much interest in it as the local people. They should help us and force the Government to give us more building material. Improvement Trust which is now being conducted as a profit concern should be converted into an institution rendering true service to the people so that it may also help us in solving this problem. I hope that the House will accept the amendments made by the Select Committee in the original Bill as well as those suggested by me. When the Bill comes to the House again Government will have no need to extend it after two years. The passing of this Bill will not only be an occasion for happiness for the members of this House, it will also make the mutual relations of the landlords and the tenants, pleasant.

In connection with electricity I will take only one minute of the House. My learned friend in charge of the Department of Works, Mines and Power has said that the Electricity Plant has been sold for Rs. 35,00,000 when the Housing problem comes before us we are told that without electricity it was useless to build new houses. I should request my learned friend to try to look at the problem of electricity with a point of view with which the people look at it and spend the money realized from electricity on the city's improvement.

Sir, in conclusion I shall recommend the House to pass the Bill as it has emerged from the Select Committee.

**Mr. N. M. Joshi** (Nominated Non-Official): Mr. President, I propose to deal with only one defect in this Bill and that too very briefly. This Bill deals with the control of rents in the Province of Delhi and Ajmer-Merwara. That the rents must be controlled is, I think, admitted on all sides. There may be difference of opinion as to the extent to which the landlord should be permitted to increase the rent but so far as the need for control is concerned I do not think there is any controversy. Unfortunately in this Bill the Government of India have provided that in the case of new houses or houses built after 1944 and houses that may be built hereafter there should not be any control on the rents. This is one of the greatest defects of this Bill. This difference of treatment between the houses which were built before 1944 and after 1944 and houses that may be built hereafter leads to inequalities. In the first place, side by side you see a house which is rented for Rs. 25 and you see another having the same floor space and perhaps having the same facilities and amenities fetching a rent which is twice or three times the rent of the house which had been built previously. I feel that this inequality leads to unhealthy practices and also what we may call black-marketing. I therefore feel that the Government of India made a mistake in not controlling the rents of the new buildings and the Select Committee also made a mistake in not imposing control on the rents of these new buildings.

**Lala Deshbandhu Gupta:** I am afraid my Honourable friend has not correctly understood the meaning of this provision. The fact is that on houses built after 1944 we are not allowing any enhancement of rents. It is not that the house owners can put up the rents. The rents have already been fixed by the Rent Controller and we are not allowing any increase, as those rents were fixed up at a time when the enhancement had already taken place.

**Mr. N. M. Joshi:** The Bill provides that on new houses there is to be no control on rent. It is true that new houses built after 1944 will not be permitted to increase the rent but the houseowners were permitted to charge whatever rent they liked.

**Lala Deshbandhu Gupta:** No. It is open to any tenant to go to the Rent Controller and get the standard rent fixed by him.

**Mr. N. M. Joshi:** Sir, in our country there are large sections of people who cannot go to courts.

**Sjt. N. V. Gadgil** (Bombay Central Division: Non-Muhammadan Rural): Not so in New Delhi.

**Mr. N. M. Joshi:** I do not know about New Delhi. I am talking about Delhi and Ajmer-Merwara. I generally do not take upon myself the responsibility of speaking for the inhabitants of New Delhi. I feel, generally speaking, they are quite able to take care of themselves. Ordinary people belonging to the working classes and some others cannot afford to go to the law courts and pay the expenses of costly suits. I know what happens to those suits and generally people do not resort to courts knowing full well that they will have to spend large amounts of money in order to get the rents fixed. The justification given for not fixing the rents of new buildings is that the house building industry should be encouraged. If the house building industry is to be encouraged, the builders would need a certain amount of interest on their capital but they certainly do not expect that they should be permitted to charge any rent they like. Usually a capitalist wants a fair return on his capital. Therefore if you had provided for fixing a fair rent even on new houses, there would have been no discouragement to the building industry.

Sir, I feel that this problem of provision of sufficient houses cannot be dealt with in the way in which the Government of India proposes to do. They feel that by permitting landlords to charge any rent they like and making huge profits, they will encourage the building industry. In the first place,

What is the guarantee that a landlord who makes money out of a building which he has built will again reinvest it in the building industry. There may be some other industry in which he can make larger profits. He may invest the money which he makes out of his previous houses in some other industry. There is no guarantee even if you allow a landlord to make very large profits that the capital which he secures will be reinvested in the building industry. The best method of dealing with the problem of providing houses is that the Government of India should treat this problem very seriously. I am very glad that my honourable friend Mr. Manu Subedar and some others referred to the need for the provision of new houses. But I think the provision of new houses in adequate numbers is not a thing which can be left to private builders.

3 P. M. If we leave the house-building programme to private builders we shall never get adequate housing. If we are anxious to supply good houses and adequate houses to the working classes and even to the lower middle classes the Government themselves will have to undertake the building programme. No private employers can build houses under the present circumstances and get a fair return. In countries like England Governments have realised this fact and the housing of the working classes is now considered to be the responsibility of the Government, either of the Central Government or of the provincial Governments, or that responsibility is sometimes thrown on the statutory local body. But in no country in the world at present is the private builder expected to build houses for the working classes. I therefore suggest to the Government of India that they should immediately take in hand a large programme for the provision of houses for the working classes. Sometime ago the Government of India appointed a Committee to consider the question of provision of houses for industrial workers. That question was discussed not by the Works, Mines and Power Department but by the Labour Department. They held a tripartite conference on the question. They passed a resolution that the Government of India should take steps to see that houses may be provided for the working classes at economic rents. They also suggested that the houses to be built should provide decent housing accommodation. It was decided that the Government of India should create a Housing Board. Unfortunately, Sir, we do not know what happened after that conference was held and that resolution was passed. I am told—it is only a rumour—that some Department of the Government of India advised the Labour Department that they should not undertake such an ambitious plan, that building materials were not available and therefore the appointment of a Housing Board would be a mistake. If a Board is appointed people would expect that Board to build houses and therefore the plan for appointing a Housing Board was dropped. I feel that the Government of India is neglecting the problem and neglecting it in my judgment unnecessarily and too long. If housing materials are difficult to obtain it is the duty of the Government of India to provide housing materials. It is not impossible for the Government of India to have more cement or to have little more iron or to have little more wood for the housing of the people in this country. I am sure that if the Government of India make a serious effort it should not be beyond their capacity to have more building materials for the housing of the people. I also feel that the Government of India can provide the necessary machinery for the building of new houses. I want the Government of India to realize that it is only the Government which can provide houses for the working classes. If the programme of houses for the working classes is left to private builders that programme will never be completed. This fact has been admitted all over the world and where the Government gives the building of houses for the working classes to private builders there the Government gives subsidies to the private builders so that the private builders may be able to build houses and charge economic rents and build houses which people would like to occupy. I would like the Government of India, if they feel that they are incapable of

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building houses themselves and if they feel that it is only the private builder who has the capacity to build houses, to come forward and give subsidies to the private builders so that houses can be built. It is true that giving subsidies to private builders is not enough. If the Government of India has not got the housing material even the subsidy to the private builder may not be of much use. Therefore the great problem as regards housing is also the problem of providing housing materials. I am sorry that the Government of India is neglecting this question for a long time. I would like them to take it up seriously.

In this connection I would also like to support the suggestion made by my Honourable friend Mr. Manu Subedar that if the housing question is to be tackled seriously, adequately and promptly then the Government of India should have a separate Ministry for Housing. It is only then that they will be able to deal with this question adequately and promptly. Take a small country like Great Britain. They have a separate Ministry for Housing. I do not know why a great country like India should not have a separate Ministry for Housing and why the housing of the people should be lumped up with several other Departments like Works, etc. There are several kinds of public works. There are irrigation and several other public works. Therefore I would suggest to the Government of India that they should have a separate Ministry for dealing with the question of housing. I would ask them to see the difference which is made in Great Britain in this respect. There they have a Housing Ministry and on account of the very fact that they have a separate Ministry, housing of the working classes and generally speaking housing in that country has made great strides. I would therefore suggest to the Government of India to take up this question of having a separate Ministry for looking after the question of the housing of the working classes.

Sir, a Bill of this kind is useful. I have no doubt about it. But the mere control of rents is not going to solve this problem. It is a palliative which may be useful for some time. But so long as landlords can secure higher rents there will be landlords who will try to get those higher rents by fair means or foul. I would therefore suggest to the Government of India not to be content with passing a legislation of this kind but take up seriously the question of building new houses.

**Mr. Sasanka Sekhar Sanyal:** Sir, since the last speaker has discussed the question of rent I propose to confine myself to the question of eviction. To me it appears that the scope of eviction should have been more restricted in this Bill than has been provided for. Sir, I heard the Honourable the Works Secretary yesterday. He has promised to keep an open mind. On that assurance I shall make my suggestions in the hope that even as the House is through the Bill at different stages it will be possible for him to see his way to accept some changes if they commend themselves to him.

In the Statement of Objects and Reasons in the original Bill it is stated:

"It is feared the expiry of rent control measures in the present day conditions of general unrest may result in further hardship, discontent and possibly labour troubles."

It is presumed from this that the framer of the Bill was looking into the matter specifically from the point of view of labour. That means that that class should constitute the large body of tenantry in this Province of Delhi at least. I do not know much about Ajmer-Merwara. I do not also claim to know very much about Delhi but as I am here for the last one year I have had to come in contact with the problems of this place. I look at this Bill that has emerged from the Select Committee in order to see whether the problems which the Honourable Member in charge visualised, while bringing in this Bill, are avoided or adequately settled by the provisions which this Bill proposes to make. I certainly join my Honourable friend the Secretary who congratulated

the members of the Select Committee. Certainly they have made very useful additions and alterations but the very fact that even after the Select Committee's report has come out a large number of amendments have been forthcoming, most of them relating to this eviction and some amendments coming from members who served on the Select Committee so ably and diligently—that shows that there is so much scope for discussing these things.

In the first place I would frankly submit that there should not have been provision for eviction except on the ground of default of payment and in this I am borne out even by the case of the Government supported by the case made out by other speakers. It is admitted that there is congestion of accommodation in Delhi. That is to say people cannot easily move from one house to another. Even the Government had recourse to requisitioning. The war is over. The war conditions have changed. Still the housing problem is so acute that Government has had to have recourse to requisitioning houses and properties. Therefore this applies with stronger force in the case of the ordinary people who are tenants. I think they should not be asked to quit peremptorily unless there are very strong reasons to ask them to go out. I have no sympathy with the tenant who does not pay rent regularly and if he does not pay after due notice, then he has to pay the penalty.

At the same time I join issue with the Deputy President who said that after all a man must be allowed to enjoy his private property except in special circumstances. I submit that to stick to that theory would be to indulge in anti-social activities. It is an accident that some people have got house property. It is equally an accident that some people have no houses of their own and people who can afford to let the houses to tenants should ordinarily be satisfied with getting rent. I do not grudge them a little more but it is a question of adjustment of convenience. Let the landlord get some good rent and let not the tenant be disturbed. The Deputy President said that the population of Delhi has increased very much. People from outside are coming and doing business. It is not their fault that they have been attracted to this metropolis. They have been here for years and years and simply because they came from outside it is neither justice nor wisdom to ask them to clear out in order to make room for the convenience of the landlords. This is neither sense nor justice. Let us make a maximum adjustment. I take the cue from the Secretary himself. He said that the Select Committee tried to steer a middle course but it is not steering a middle course. You are putting the landlord and the tenant against each other.

**Khan Abdul Ghani Khan:** How?

**Mr. Sasanka Sekhar Sanyal:** My friend Mr. Ghani Khan asks 'How'. I must reply to him because he is my neighbour. It is said in clause 9 sub-clause (c) that when there is a *bona fide* requirement on the part of the landlords they will be able to eject the tenants. I will not quarrel with the elasticity of the expression '*bona fides*'. But assuming that there may be *bona fide* requirements on the part of the landlords, how is it to be adjusted with the *bona fide* interests of the tenants. You must look at both sides. I am a tenant in a particular place. My landlord's family has increased. Let him increase and multiply in happiness and peace but if he wants my blessings and the blessings of others also, before he seeks to get his own building for better accommodation for himself, he must find a corner in the earth for me to go and conceal my head under. We have to make an adjustment and steer a middle course. There must be an adjustment. My friend Lala Deshbandhu Gupta referred to the courts and all that. To me it appears that it is not a question of litigation at all. After all it is not a question of right *versus* wrong. It is not a question of justice *versus* injustice. It is a question of maximum adjustment for the benefit of both the landlord and the tenant. Now, in the section it is provided that if the landlord has no other suitable accommodation, then the tenant must quit. This is preposterous. The law



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should have provided that if the landlord has no other suitable accommodation, the tenant can be ejected only if he can get alternative accommodation. It is said that a large number of idle rich are the tenants. I have no grudge against the rich as such, although I have my sympathy with the poor people and I belong to that class of society who are not rich. Look at the large number of *bhangis*. Delhi is served not only by the millionnaires and multi millionnaires. It is also served by poor clerks, school masters, poor traders and dealers and also these *bhangis* who keep up the conservancy of Delhi. If they are placed at the mercy of the landlords, where will they stand? This is a two storeyed evil. In a large number of cases the landlords will try to eject the tenants because they want the accommodation for themselves and the tenants will be hard put to it to prove that the landlord has another suitable accommodation, because the law does not give any defence to the tenant in respect of his own convenience. The landlord who cannot make out a proper case will hold a pistol at the head of the tenant and every year at the point of the threat of new litigation he will go on taking more and more *pugree*. This is the evil which will start immediately. Then there is this farce of a protection. If the landlord does not use the building for his own accommodation within a year, the tenant can come and recover possession and claim damages. This is obviously impossible and it puts the evicted tenant in a position in which he cannot successfully take action against the landlord. There is nothing in the law which gives a guarantee of immunity to the tenant if the landlord occupies the new house and lets the old.

**Pundit Thakur Das Bhargava** (Ambala Division: Non-Muhammadian)

What is the solution? Do you mean to say that the landlord should go and find a house for the tenant?

**Mr. Sasanka Sekhar Sanyal:** During the period of war years, they have managed to live without seeking to eject the tenants. Why should they not put up with a little more inconvenience for two years more?

**Pundit Thakur Das Bhargava:** The landlord has waited for six years. Will not the landlord become old in these 10 or 12 years?

**Mr. Sasanka Sekhar Sanyal:** With the prospect of independence coming, he will become young and get a new lease of life. There are better inspirations ahead and people need not be happy only with the snatching away of small properties from helpless tenants. There should be other avenues of happiness. So, I submit that in my humble estimation you should put down the clause of eviction only on the ground of default in the payment of rent, otherwise you should maintain the *status quo*. My friend the Deputy President, referred to the widow and the helpless people. If there are widows, I do not know what is their number. But if the widows claim, then I am entirely at one with the Deputy President when he stated that there should be an assessment according to the index of prices, the landlord's income and also the tenant's income. If the landlord is a widow and ought to get a substantial increase in the rent and if the tenant is.....(Interruption.) In this House even the lady Members are described as gentlemen. The other day.....

**Mr. President:** The Honourable Member may proceed with his argument.

**Mr. Sasanka Sekhar Sanyal:** The Deputy President was referring to the index of prices. If a tenant is rich and if he is saddled with an increment commensurate with his income, I have no objection. When the landlord and landlady is poor, they may deserve some sympathy. But will her poverty be solved by ejecting the tenant and throwing him on the streets? I do not understand this argument. Therefore, I would ask the Honourable Secretary to reconsider this question of ejection. He himself was aware of the limitations and the hardships because several times he himself pleaded that it is a temporary law, it is not a model law and it is not a perfect law. So far as it goes, it must give protection to the largest number of the Delhi people and not to one or two widows only. Our concern is the largest population and the largest population

in Delhi consists of tenants. Sir, we have to give the protection. Let us not confuse between the rich tenant and the poor tenant. They stand on the same category, because the rich tenant cannot build a house for himself because there is no material available for building a house. Similarly, a poor tenant also cannot give *pugree* money to a new landlord and get the house. Therefore, for the maximum safety and for the least line of resistance let us maintain the *status quo* and not disturb the tenantry from where they are today.

Now, Sir, there is one matter which comes in this connection, namely, the question of going to courts. Yesterday my friend Khan Abdul Gham Khan had a very pleasant fling at lawyers and he was assured by one of the Members that lawyers do not really invite litigation. If Khan Abdul Gham Khan had been a lawyer, he would have understood that. We do not want litigation at all and I think the purpose of this legislation could be better served by avoiding litigation and by setting up Conciliation Boards. What will these people do? As I said, it is not a question of right *versus* wrong it is a question of accommodating the convenience of one with the convenience of another. So, there we could have set up Conciliation Boards. My friend Lala Deshbandhu Gupta, who is a citizen and a representative of Delhi, and my friend Mr. Mukat Bihari Lal Bhargava, who is a representative of Ajmer-Merwara, could be the members of this Conciliation Board. We could have Conciliation Boards on which Municipal Commissioners could sit and also the representatives of the Legislature. They have got knowledge of things and they should be given all power, liberty and duty of making adjustments. If they come across a case in which a landlord is helpless—probably he was in Government service and he has retired and he has got a house in Delhi.—naturally they would start with all sympathy in his favour. This Conciliation Board will try to find some corner somewhere for the tenant to go, so that that gentleman can come and live in his house for the rest of his life in peace. Then, there may be other cases in which the landlord wants the new house only to please his vanity, because suitability and convenience are very elastic terms. In that case the Conciliation Board would find that although it may be said that if the house were given to the landlord it would inure to his benefit and advantage, still if the tenant is ejected he would go to the wall. Therefore, they will refuse. There is no provision in the law to safeguard the tenant in the matter of his convenience and safety. But if Conciliation Boards were set up, then by their local knowledge, by their superior acquaintance with the facts and the circumstances of the places and by their knowledge of the parties they could certainly be better able to arrive at adjustments than could be done by the law courts.

Sir, my Honourable friend Mr. Deshbandhu Gupta also referred to the appellate powers to be given. I submit that to make a matter triable summarily and then to give some authority appellate power is very inconsistent and confusing. After all, courts which deal with things summarily seldom record evidence. If they record evidence, they refer to it only as an indication of their impression, and the impression of one Judge may not be conveyed to the other Judge, the appellate authority. Therefore, if it is desired that the appellate authority should be given, then regular courts should be maintained as they were in the original Bill. After all, it is a life and death question. Some landlords may be able to use the provisions of this law to squeeze tenants out of their houses and then throw them into a condition which will be extremely undesirable and miserable. Therefore, let them have some judicial protection if things are going to be done through courts.

Now, Sir, there is one class of tenants for which I am feeling very much. The question was put probably by my friend Mr. Tamizuddin Khan and Mr. Deshbandhu Gupta said in reply that there was no provision for safeguarding those tenants who have already been directed to be ejected. This is very unfair. After all, if landlords had taken possession of the building, we have nothing more to say. It is a *fait accompli*. But in those case in which decrees have been passed or put into execution and the property is still in the possession of the

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tenant, I submit the benefits of this law ought to be made available to these tenants also.

**Lala Deshbandhu Gupta:** The lawyer has had his fee already.

**Mr. Sasanka Sekhar Sanyal:** That does not matter. Only to avoid giving another fee to the lawyer, it is no use crushing and killing the tenant. In the second place, so far as the question of the sub-tenancy is concerned, I should like to draw the attention of the Honourable Member particularly to the legal implications of the provisions which are there. Sub-tenancy has been recognised through the words sub-letting. If you refer to clause 4 you will find that there is something like sub-letting and rents have been proposed to be apportioned in those cases. But I do not understand what is the status of a sub-tenant and how he has been defined? A sub-tenant has not been defined at all, far less has he been defined to be a tenant. The result will be—and I particularly draw your attention to this matter—that if you take the two persons, the landlord and the tenant, together you will find that the tenant who lets to a sub-tenant is not hit by this Act at all. Under clause 2(d) a tenant is defined as follows:

“tenant”, means a person who takes on rent any premises for his own occupation or for the occupation of any person dependent on him, but does not include collector of rents or any middleman who takes or has taken any premises on lease with a view to sub-letting them to another person.”

That is to say, an intermediate party is the landlord of the sub-tenant and the tenant to the superior landlord. But this does not come within the definition of ‘tenant’. Therefore eviction proceedings will not apply to a tenant of that description within the meaning of clause 9. But he is the most guilty party. It is also the intention of this law not to give him any protection, but then this party gets out, he cannot be ejected. Since clause 9 deals only with ejection of tenant and since sub-tenant has not been defined as tenant, I do not know how and why a sub-tenant can be ejected within the meaning of this clause. The result will be that the sub-tenant as a tenant will not get protection of this law. Therefore he will be thrown to rely on the ordinary Transfer of Property Act and by one notice, the tenancy will be determined, a suit will be filed and the landlord will not be required to prove to the satisfaction of any body that he requires the premises for his own accommodation and that he has no other suitable accommodation, etc. It is dangerous. Similarly if you come now to the definition of the landlord, you would find that a tenant who has sub-let to a tenant cannot be a landlord within the meaning of this, because the expression is ‘receive the rent of any premises’. That is very significant. A tenant who is a landlord to another tenant, cannot let it to the sub-tenant. Only he has the right of use and occupation. He cannot get any rent for the premises as such because the premises are not his property. Therefore an intermediate party who is a landlord unto a sub-tenant and not a tenant unto the original landlord, he is neither a landlord nor a tenant within the meaning of this law. Therefore it will also be open to him to go to ordinary courts for determination of the tenancy within the meaning of the Transfer of Property Act. Therefore this landlord who is an intermediate party secures immunity in both directions. He is immune both from the liabilities of this Act as a tenant and as a landlord. Whereas the sub-tenant who is the real tenant for all practical purposes because he is holding occupation, he will be the victim of the ordinary proceedings and nobody can save him. Therefore to remedy this situation,—I do not know whether I have been hair-splitting or speaking hypercritically in my analysis of the wording of this section—I am simply pointing out the pitfalls and the catches which are there and I can also give a way out. It is easy to cut the Gordian Knot. The purpose of this legislation ought to be to do away with any intermediate party. My Honourable friend says he is prepared to recognise the previous sub-tenancy but not future sub-tenancies. I would rather ask him to accept sub-tenancies only for one purpose, whether past, present or future. Provision should be made in this Bill by which the actual occupier of the house should be treated as direct

tenant of the landlord who is the owner of the premises. Whether he receives from one middleman or another middleman by the operation of this law, he will become a direct tenant under the law. There may be cases in which part of it has been sub-let, there may be a provision made that in respect of a portion sub-let, he will become the direct tenant of the landlord and the intermediate party will remain a direct tenant in respect of the other portion. Therefore there will be two tenancies. This will eliminate a large number of complications that will arise in courts, large number of applications that will also arise in the matter of conveniences. I suggest that the Honourable Member will take stock of the points which I am placing before him. It is not merely a technical question of law, it is also a question of substantial justice. In this connection, I would invite the attention of the House to the necessity of going into the question of rationing accommodation. My Honourable friends Mr. Joshi and Mr. Manu Subedar went into the larger housing questions. That is a matter for the future. In the immediate present, something could be done to meet the situation, that is where rationing of accommodation can be done successfully, not through the intervention of courts, but it can be done through the help and assistance of Conciliation Boards, consisting of local people presided over by a Judge if necessary. However tight the congestion may be, we feel that within the ambit of the existing accommodation, things could be so recast as to bring the maximum convenience to the largest number. If a landlord comes and says, well he has no suitable accommodation he wants more accommodation for his son who has been married, if he wants an extra room, it may be that the tenants house is very near and perhaps by some adjustment, one room in the tenant's house may be allowed to be occupied by the landlord. It may be used for some purpose which will be to the advantage of the landlord. In order to do this, there must be some basic principles of rationing. There is no time for me to go into this question elaborately. After all we can lay down a standard of space for each individual—so many square feet for each individual. Then for families of certain individuals, so many square feet and so on. In that way we can really approach the problem and bring in at least a part of the solution which we all desire. For example looking at ourselves, I feel—I do not know whether this feeling is shared by others—we members of the Assembly are occupying bungalows here. I have got a pretty big family, but still I feel that though I use the entire accommodation, I could still spare one room for some officer, who may be single or who might have left his family at home. To that extent no doubt there will be a reduction in the convenience. There would be accommodation for one big man and to that extent the house problem would receive some solution. I see Members of Government all occupying big bungalows, all for themselves. Two or three families can easily occupy each bungalow. As my friend suggests I have no objection if ten families can be accommodated in one Member's bungalow. I say let us look at the problem with a concrete ideology. My good Deputy President, Mr. Yamin Khan for whom I have great respect propounded the curious theory that a man who owns a house must enjoy the property unmolested. All that old theory is gone. Perhaps with the passing of age, ideas also have changed, new ideas have taken root in the land, but I see my Honourable friend Mr. Yamin Khan does not seem to have changed with the passing of time. I am surprised that he should stand up and plead that the landlords should utilise their property all to themselves. I may remind my Honourable friend that the maximum social benefit is the measure of utility of property. Merely because his house is there, therefore he must eject his tenant. That is not a right principle. If he has a house, let him own it, but he must not eject the tenant. He might take a little more rent. But this eviction proposal ought to be stopped. Otherwise we shall be held guilty of doing injustice to the social structure of society. I do not like the House should be a party to it.

**The Honourable Mr. C. H. Bhabha** (Member, Works, Mines and Power Department): Sir, as I have some other urgent engagemnt, I would leave it to the

[Mr. C. H. Bhabha.]

Secretary of my Department to deal with the points which have been mentioned in detail. First of all, I wish sincerely to apologise to the House for not being able to be present at the earlier stages of the discussion of this important measure pertaining to my Department. I crave the indulgence of my Honourable friends for this lapse on my part. As Honourable Members are aware this Bill has perhaps been the most controversial measure, barring of course measures of high finance, of all the Bills that have come before the House.

**Mr. Sasanka Sekhar Sanyal:** The financial implications are there in this Bill also.

**The Honourable Mr. C. H. Bhabha:** But they are of minor nature as compared with the implications in other financial measures that have come before the legislature during this session. No other similar legislation has aroused such passionate emotion in both patrician and plebeian breasts or has led to such vigorous canvassing from far and wide and from rival partisans as this measure has. To give the House some idea of the canvassing that has gone on in regard to this measure I will just quote a simple case. Over this measure which pertains to the centrally administered areas of Delhi and Ajmer-Merwara canvassing has gone on from all quarters of the country ranging from the Himalayas in the north right down to Cape Comorin in the south. Only a few days after the Select Committees report on this Bill was out I received a communication from an unknown party in Coorg asking me to treat liberally one of his dentist friends in this city who had sub-let his house and was supplementing his income in that way, although he had put up his charges for dental extraction. That is the extent to which canvassing has gone. Anyway this is not unnatural nor was it unexpected so far as our department was concerned; for housing all over the world is a subject of acrimonious debate and in Delhi both landlords and tenants have had good reasons to be critical of the housing situation that developed as a result of the war and its aftermath. Nevertheless I venture to think that practical wisdom lies in so evolving a policy as would reduce to a bare minimum the rigours of the situation that has arisen. It is in this spirit of compromise that Government right at the start evolved this measure and placed it before the legislature in substitution of the New Delhi Rent Control Order of 1939 as subsequently amended in 1944, as well as in substitution of Ordinance No. 25 of 1944 which pertains to Old Delhi and the city, as well as of the Ordinance which was promulgated by the Chief Commissioner for the province of Ajmer-Merwara. Sir, I think it is with this objective, to evolve a measure that would suit the occasion, that Government came out with this piece of legislation. Government also consider that such a piece of legislation could in no circumstances be considered to be a model or satisfactory law for all parties concerned for all times. It was with such an open mind, therefore, that Government offered to refer this to the Select Committee which has so ably gone through the various clauses and implications of this measure which is now before this House. I wish to pay my tribute to the members of the Select Committee for their fair evaluation of the various aspects of this measure; and I make bold to say that the Bill as it has come before the House in its present form is a measure which is essentially a short term one and has got certain definite objectives underlying it.

The main features of this Bill have been very ably referred to by some of the previous speakers and I do not want to take the time of the House by a reiteration of the same subject. I shall only in very brief terms refer to the essential provisions of this measure, and these may be summarised under four main heads: (i) those relating to rent and increase of rent; (ii) those relating to eviction to which one or two of my Honourable friends referred so strongly; (iii) those relating to powers given to Government to take compulsory lease of property, and (iv) certain other miscellaneous provisions of an ancillary nature.

The first provision about increase of rents was given much thought to by Government before they evolved this measure. As Honourable Members are aware,

rents had been stabilised at the 1939 level so long with a few relaxations here and there, in that, under the Old Delhi order an increase of 12½ per cent. was permitted after 1944. After the termination of the war Government felt that there were no sufficiently justifiable reasons for pegging the yields of a particular type of investment as against others; the economic factors do not justify that. And the other consideration that Government followed was that of giving an impetus or incentive to private construction activities which Government felt they were in duty bound to support. On this point my Honourable friends Mr. Subedar and Mr. Sanyal have laid great stress. Right away, I may say, Government are fully aware of the difficult situation that is confronting the population of these centrally administered areas. I refer to that because the present Bill refers to these areas alone; and Government have done all in their power to encourage private building activities. My other friend Mr. Joshi referred to construction being undertaken by the State itself. I may remind the House that Government have not been negligent on this score either. The recent activities of the Labour Department, so far as construction in the mining areas goes, bear ample testimony to the aliveness of Government to this aspect of the question also. Government have undertaken large-scale construction for their railway employees also. The present difficulties, specially in places like New Delhi, have arisen because of a large expansion of Government's activities during the past few years entailing a large increase of staff. It may be a matter of information to a few of my Honourable friends if I today appraise them of the fact that the number of officers of the Government has increased by about 300 per cent.

**Shri Sri Prakasa:** It is very bad.

**The Honourable Mr. C. H. Bhabha:** War time exigencies justify this and we are doing all in our power to adjust it to the present conditions.

**Shri Sri Prakasa:** The war itself was unjustified.

**The Honourable Mr. C. H. Bhabha:** It may have been unjustified.

May I point out for the benefit of some of my Honourable friends that the clerical establishments have increased by about six times and the number of menial servants of the Government by 6½ times. This is the plight we are in at the moment, and I would appeal to my Honourable friends to bear in mind these peculiar circumstances when they level any criticism about lack of enthusiasm for housing.

**Dr. Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): By how much has the housing accommodation increased?

**The Honourable Mr. C. H. Bhabha:** In Delhi by about 10 per cent., and that is nothing. Government owns about 2,000 bungalows, which is not even sufficient to meet the needs of the present staff to the extent of 5 per cent.

**Lala Deshbandhu Gupta:** All the more reason for Government to build more.

**The Honourable Mr. C. H. Bhabha:** Government are doing their best as I have already said.

Coming back to the question of increase of rents, I have laid before the House two of the major considerations that were brought to bear on the Government for this increase that we recommended in the preliminary Bill that was before the House. It is possible, Sir, to argue *ad nauseam* about the equity of the in- that have been proposed by the Select Committee, and I am sure the House will appreciate that the views of many landlords certainly differ from the views of many tenants. I only appeal to them to consider the measure of increase that has been brought before the House after giving great thought to it in the Select Committee stage and approve of the same.

The other point of a controversial nature to which I would like to refer at this stage is the point about eviction which is contained in clause 9 of the Bill. I am sure all of us are aware that good landlords do not intend or desire to harass good tenants, and good tenants on their part have no desire to harass their landlords

[Mr. C. H. Bhabha.]

or to profiteer at the expense of the landlords. Sir, it is no reflection on landlords or tenants as a class for me to say that such specimens of humanity are rare. Therefore it was considered necessary to make some specific provisions about eviction of tenants and I think the measure as it has now come before the House, especially regarding this clause, was fully considered by the Select Committee and is a fair measure of compromise which I strongly commend to the House.

Before I deal with one or two points referred to by the previous speakers, I should point out that the basic difficulty in a measure of this nature is the age old social problem, as my Honourable friend Mr. Sanyal has said, of adjusting right against right. It is an undue simplification of this problem, to suggest, as some partisans alone can do, to say that the landlords are in the wrong and that the tenants are in the right or *vice versa*. The practical problem is, as I have said of adjusting vested interests, and in a measure of this nature there is bound to be a certain amount of compromise or conciliation on both the sides to come to a sort of an agreed Bill of the nature that the House has before it. I consider that the Bill is a fair compromise and I strongly commend it to the House.

Now I shall take up one or two points which have been made out by one or two of my Honourable friends who have spoken just before me. One of these points was made by my Honourable friend Mr. Manu Subedar. Government, as I have said, have done all in their power to assist private housing and Government have every desire to see that new constructions crop up even like mushrooms if necessary. But at the same time there are difficulties I admit. To give impetus to new builders we have provided for certain points in the measure that is before the House, and I need not repeat the same points again. Government have also been sufficiently alive to construction by governmental agencies, and I can assure the House that Government will pursue its activities in these directions.

The valuable suggestion made by the same speaker about Housing Board will be carefully considered by the Government.

[At this stage Mr. President vacated the chair which was then occupied by Mr. Deputy President (Khan Mohammad Yamin Khan).]

Now, Sir, there is just one point to which I would like to refer before I finish, and that is the point made by my Honourable friend, Mr. Deshbandhu Gupta, about increased rent for requisitioned houses, as I understood him—he was addressing in Urdu and I am not very familiar with that language. This point is not covered by this Bill but this has been sufficiently dealt with in Requisitioning Bill which was before the House a few days ago. However the suggestion made by the Honourable Member will be carefully considered when fixing up a fair compensation for such requisitioned property.

I think I have said enough on this. I can only repeat one thing that the Government have an open mind on this issue and they would be prepared to accept any fair suggestion that may be made by the Honourable Members, and they will do all in their power to see that this law does not act inequitably to any of the parties, but if it does they will amend the law no sooner they find that any of its provision has worked inequitably or unjustly.

**Sree Satyapriya Banerjee** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I crave the indulgence of the House when I rise to speak a few words on this Bill. I promise, Sir, not to be guilty of repetition of the arguments put forward by the previous speakers. I promise also to be guilty of brevity. This Bill has succeeded in raising a controversy, a storm of controversy, from all sides—from the sides of the landlords as also from the side of the different shades and grades of tenants. The Honourable Secretary yesterday and to-day tried to demonstrate to the House that he attempted to strike a golden mean. But he seemed to forget and let me remind him that truth does not lie in between but, in the words of Goethe, lies somewhere beyond.

We have been taught so long that the sting is at the tail, but I find in this Bill that the sting is at the very top. Let me read out that portion:

"The Bill does not apply to any premises the construction of which is completed after the commencement of this Act."

I do not know what led the Government and the Members of the Select Committee to put in this new and additional clause. Is it by way of comforting the private capitalists who have dinned into their ears that their interests are being jeopardized? It is beyond any comprehension how in these days when socialization is the cry and rightly the cry of the day, they should have encouraged the private capitalists for building purposes and thus embarked upon the ignoble task of mortgaging the future to them. I shall, Sir, put

4 P.M. here, in this connection, a suggestion for the sympathetic consideration of the Government. If they do not feel competent, at this stage, to launch a bold scheme of house building let them encourage the organisation of co-operative building societies by all possible means and Co-operative building societies, I am sure like all other co-operative societies in other spheres of economic activities will go a great way if carried on in right lines to the solution of this great problem of shortage of houses. There are broadly speaking, three interests which are affected by this Bill—the landlord, the middleman and the tenant of the lowest rung of the ladder. Of the landlords, some of them certainly not all are more unfortunate than wicked, are more sinned against than sinning. The tenants, occupying the lowest rung of the ladder, are the worst sufferers while the middleman, Sir, like middlemen everywhere, is the villain of the piece. And we have got to see that he receives the treatment which he undoubtedly deserves but perhaps does not desire. I wish also that this House when it will consider the Bill clause by clause will look to the interests of the lowest rung of the ladder, I mean the tenants, who are at the bottom and if that is done, the interests of the common man will be served and we shall have done our duty so far as this Bill is concerned.

**Dr. Zia Uddin Ahmad:** I start with three propositions. The first is that we should admit that it is the responsibility of the Government to have food for all: to have clothing for all: and I now say to have houses for all. The provision of houses for the poor should be accepted as the responsibility of the Government.

The second thing is that tenants should not use house rents like a stock exchange. They occupy one house, give it to another and live in a second house: and they do the same kind of gambling that people do at the stock exchange. This renting should not be made into a stock exchange. Although we are in favour of providing houses for all, we cannot in any way favour that they should use these houses as stock exchanges for their benefit.

Thirdly we ought to encourage private enterprise to build more houses because the Government cannot undertake the entire responsibility. Private individuals will not build more houses for rent unless there is an assured income for them. In the case of other industries, we consider 10 per cent to be very economic. But in the case of the houses, I thought my friend, the Honourable the Secretary will probably not be willing to give even 3 per cent. I think this is a point we should also settle: What should be the most economic rent if we want people to invest their money?

I repeat the three principles on which we base the whole edifice (1) houses for all is the responsibility for Government. (2) This should not be used as a stock exchange for profit: (3) and we ought to encourage private enterprise to help the Government in building more houses.

Coming to the first part—houses for all. Government cannot undertake to provide houses for middle and upper classes, princes and rich people. Probably they will not be able to satisfy them with the houses provided by the P.W.D.



[Dr. Zia Uddin Ahmad.]

of the Government of India. They would like to live in a house where a budget was never prepared, where estimates were not put before any committee and in which money was no consideration. We do not care for them. We are concerned with the housing of labour. I think they should accept that the employers of labour should have the responsibility of providing houses for their own workmen. If you have any factory then the condition of that recognition of the factory should be that they should provide housing for all those persons whom they employ.

**Mr. Deputy President:** The House has got before it the Select Committee's report on the Bill.

**Dr. Zia Uddin Ahmad:** This point has been raised by some speakers. Similarly it should be the responsibility of the Government to provide houses for all their labourers. We were told that the menials have increased 650 per cent but the accommodation for them has increased only by 10 per cent. I think the Government failed in their responsibility for not providing houses for them. If one has increased 6½ times, they ought to provide accommodation in the same proportion. Really the provision of houses for labourers should be the responsibility of the employers and it should be made a part of the contract of the emoluments of the labourer. Therefore, the question of the accommodation of the labourer should not arise as it would be the responsibility of the employers. But it is the middle class people who are really important and who should not be the responsibility of either the Government or anybody. This is the class we should consider and many provisions in this Bill are very wholesome and a great improvement to the existing conditions and I am sure that a number of them will help to remove the difficulties which we all have in our minds. As I said, these tenants should not use their houses as a stock exchange. This ought to be regulated and if a person is living in a rented house, and in the meantime he has built a house of his own, then certainly he ought to shift to his own house and not live in the rented house because the other is more profitable. We know, and I have before me a case of a person who has taken a house from the Government and has given it on rent. He has a house of his own and he has given it on rent and he is living in a rented house which is cheaper. That is gambling as in stock-exchange. A thing of this kind ought to be safeguarded against.

Another point I want to mention is this. I had the advantage of a number of pamphlets that I received on this Bill, perhaps more on this Bill than on any other Bill. I notice that a good many points raised in those pamphlets have been covered by the Select Committee. I wish the members of the Select Committee had raised any points they had in the committee itself and got their opinion incorporated in the report itself or written a note of dissent if they were defeated in the committee. But after every thing is finished they have tabled a large number of amendments. After considering all these points in the Select Committee and accepting the report of the committee and then to come before the House with a large number of amendments is, I think, not justified: it is not fair to their colleagues here.

**Lala Deshbandhu Gupta:** They will withdraw such amendments.

**Dr. Zia Uddin Ahmad:** I did not know whom I was referring to until the Honourable Member interrupted me. I was only talking in a general way without any reference to anybody. I thank the Honourable Members of the Select Committee in having taken very great care to produce this Bill. Though it does not cover all the requirements which my friends who sent the memorandum and the pamphlets wanted to have, it does cover a number of those points.

Another point is that there are a number of people who are prepared to invest money in building activities. It has been repeatedly said here that

Government ought to provide facilities for building to those persons who want to invest money here. They ought to take care to provide the land for these persons, because it is impossible for a man coming from outside to buy the land in a competitive atmosphere. The provision of land and the necessary building materials must be the responsibility of the Government. When housing accommodation is so acute, it is the responsibility of the Government to provide the facilities for more constructions by private owners, because the Government cannot take the responsibility of providing houses for the middle class people.

There is one further point which I hope the members of Government have clearly realised. At present there is a great tendency all over India to shift from rural to urban areas. This is so not only in Delhi but everywhere else, because the people in the rural areas are now feeling that their life is unsafe there. They think that their life in the urban areas would be safer and so they shift from rural to urban areas. This has increased the shortage of accommodation in the urban areas. I remember 15 years ago the tendency was to shift from urban to rural areas and the question of accommodation was not so acute then. But now on account of the abnormal conditions which have been created by our own administration, this situation has arisen. The Government themselves are responsible for creating this situation, in which life in rural areas has become very unsafe except for those persons who are actually the tillers of the soil. So it is the responsibility of the Government to provide the building materials and the land to the people who want to build houses.

**Some Honourable Members:** The question be now put.

**Mr. Deputy President:** The question is:

“That the question be now put.”

The motion was adopted.

**Mr. B. K. Gokhale:** Sir, the discussion has ranged over a very wide field and the Honourable Mr. Bhabha has already replied to all the important points which have been raised. So there is very little really which I need say at this stage.

Sir, when asking the House to refer this Bill to Select Committee, I myself made it abundantly clear that the real solution of the acute shortage of housing in Delhi and in other places was housing, more housing and still more housing. That is the only proper solution. Every thing else is in the nature of a palliative. Rent control is not the remedy for the acute housing shortage which exists in Delhi or anywhere else. And I promised that what was said on the floor of this House would be duly communicated to the Department of Health, which is in charge of private housing, the Department of Industries and Supplies, which is in charge of building materials, cement, iron, coal, and so on, and the Department of Labour which has to deal with labour.

**Mr. Deputy President:** The Honourable Member may remember that the point which was raised was this: that people who want to build should not go about to different departments but there should be only one department which would issue the permits for every thing necessary for building, that is that cement, iron, timber, bricks, etc., must be dealt with by one department.

**Mr. B. K. Gokhale:** I was coming to that, Sir. Today the point was further developed and there is general demand that there should be a Ministry of Housing and that is what you were kind enough to refer to. This is a matter which I shall certainly bring to the notice of the Government, if indeed any further action is necessary, when the Honourable Member himself was present when that demand was being voiced and he replied to it in the course of his speech in this House.

[Mr. B. K. Gokhale.]

In the second place, there was a certain amount of criticism about the activities of the Improvement Trust. It has been said that the Trust in the course of the last few years has done really nothing to help or encourage private housing, that the Improvement Trust is profiteering by selling land at highly inflated rates and that in other ways it is to be blamed for having produced the acute housing situation as it exists today. There again, all that I can promise at present is to bring the remarks which my Honourable friend made earlier this afternoon to the notice of the Department of Health, which deals with Improvement Trusts. I myself had something to do with the activities of this Trust though only informally and I do know that the authorities in charge of the Improvement Trust are fully alive to this problem and are as anxious as anybody else to help reduce this acute housing position. I believe that they have made available about three to four thousand plots for private building during the last few years. But the only thing that is holding up new buildings is this difficulty of steel, cement, coal, bricks, etc. So we come back again to the same problem of the Ministry of Housing. All that I can do is to bring the remarks of my Honourable friend about the Improvement Trust to the notice of the Department which is in charge.

A suggestion was made about co-operative housing. That, indeed, is a very good suggestion. Earlier in my service I was myself Registrar of Co-operative Societies for a very short time and I was very interested in co-operative housing. But unfortunately theory and practice don't go hand in hand so far as co-operative societies are concerned. In theory it is an excellent idea to have co-operative housing. When it comes to actual practice, it is very difficult to get a co-operative housing society started and make it run as it should. Here again I will bring the remarks which have been made and the suggestions which have been offered to the notice of the appropriate Department of Government. Beyond that I cannot promise anything at this stage.

I have already referred, Sir, to the shortage of cement, steel and coal. There was a Resources Budget which was published sometime ago by the Government of India. I do not know whether it is a published document or whether it is still confidential. Anyway, from what I have seen of this Resources Budget which examined the whole position for the whole of India it seems as if the acute shortage of building material—steel, cement, coal, etc.—is likely to continue for another few years. Whatever we might do, even if a separate Ministry of Housing is started, I do not quite see how they can get over the shortage of building material as evidenced by the Resources Budget.

**Sjt. N. V. Gadgil:** It may not have office accommodation for itself.

**Mr. B. K. Gokhale:** It is quite possible.

**Dr. Zia Uddin Ahmad:** Will the Honourable Member please inform the House whether the shortage is due to the want of the materials or for want of transport? My information is that it is due to the want of transport.

**Mr. B. K. Gokhale:** There is an overall shortage of material and there are some difficulties of transport, with due respect to the Honourable the Transport Member who will no doubt correct me, if I am wrong. But the chief difficulty is shortage of material and not so much of transport.

**Dr. Zia Uddin Ahmad:** My information is that I can get cement, wood and iron if the transport is there.

**Mr. B. K. Gokhale:** Sir, the difficulty is both of shortage of material and transport.

Reference was made to the question of shortage of electricity. That again is a difficulty caused by war-time. We are very short of electricity in Delhi, but steps have already been taken by Government to instal new plant; and

I hope within a very short time the present acute shortage of electricity will be over. Within three years, that is by 1949, we expect two ten thousand kilowatt plants.

**Lala Deshbandhu Gupta:** May I know whether the Honourable Member is prepared to enquire into the question of the maximum generating capacity of the present plant and making more power available to the public?

**Mr. B. K. Gokhale:** I may inform my honourable friend that the enquiry has already been made and more power has been made available to the public. I think he will soon see the results when it comes to the Control Board or whatever body it is which is dealing with it. But that is only a palliative. The real solution depends on the installation of another 20 thousand kilowatt plant in Delhi; and that, I believe, will not be ready till about 1949 or 1950. Probably by March 1950 we shall be in a position to deal with any expansion, any demands made on electricity in Delhi.

Sir, the Honourable Mr. Bhabha has already dealt with the question of labour housing to which my honourable friend Mr. Joshi referred and I will not touch that point any further. I believe plans have been made on a very elaborate scale and are going ahead.

There was some criticism about the exclusion of new houses from the scope of this Bill. There is no doubt that on almost every point in connection with this controversial measure, there is room for difference of opinion. I cannot say that the criticism is unfair. Everybody is entitled to his own point of view. But it is only a question of balancing of advantages and disadvantages. It is quite possible that we could have gone further and said that even new houses should be controlled and the rents fixed. Then the question would arise: what rate of interest should be allowed on capital, 3 per cent., 6 per cent., or 7½ per cent.? This is after all only a very short term measure, a temporary expedient, to tide over a temporary difficulty; and therefore we did not wish to bring in questions of high finance and high policy in this matter. It is much better to restrict the Bill to the immediate difficulties, and those difficulties can be amply met by rent control. That is why we decided that it is better to give the greatest possible incentive to people to build new houses. I might also add, Sir, that it is a mistake to imagine that it is only capitalists who want to sink money and build new houses. There are quite a large number of people with a small amount of capital who just want to put up a small house for their own residence. Buildings are not constructed in this country, as far as I know, by capitalists who want to make money on rent. Buildings are constructed mostly by people for their own residence. May be that in Bombay and Calcutta and a few other places there may be capitalists building houses with a view to realise rent. But ordinarily we have to think of all sorts of people who want to put up buildings. That is why we decided: let anybody who constructs a new building have the greatest encouragement, let there be no control or interference with his discretion whether he is going to live in it or let it out or evict tenants or what rent he will charge.

**Dr. Zia Uddin Ahmad:** No control on house rents?

**Mr. B. K. Gokhale:** No control on house rents in respect of new buildings which will be constructed from now onwards.

Sir, my honourable friend Mr. Sanyal raised very big questions. What he wants is that there should be no eviction except for non-payment of rent. Then he went on to develop his point and said that it was not a question of justice but of maximum accommodation. He ended up by advocating rationing of accommodation and Conciliation Boards. Well, Sir, that if I might so put it, is a counsel of perfection. It is quite possible that if Government had plenty of time and energy and there was no question of paucity of staff and

[Mr. B. K. Gokhale.]

personnel and if the House also is willing to entrust government servants with more and more powers, it is possible that we can make a survey and settlement of the whole areas, when will be a *sine qua non*, make a survey in Old and New Delhi and all big cities and then start rationing arrangements with Conciliation Boards with a High Court Judge as President. I think everybody now a days wants a High Court Judge and I don't know where all the High Court Judges are to come from. Anyway, that, I believe, is a counsel of perfection and I would earnestly request my honourable friend not to press these ideas at this stage. What we have to do is to rush through this Bill in the next three days before existing Rent Control lapses in Delhi and Ajmer-Merwara. The Bill represents a compromise which has been evolved in the Select Committee, where twelve or fourteen people, the best brains, sitting together, and trying to meet one another's point of view, have evolved this compromise. I have no doubt that it will be improved to a certain extent in this House. But let us not aim at absolute perfection and justice. Those things are quite impossible in this world. Let us be content with what we have got. After four years, when this Act lapses, my honourable friend Mr. Sanyal may be able to persuade Government to ration accommodation. But I do not wish to look ahead into that distant future. For the present, I think this Bill will meet adequately with the demands of the situation.

Sir, a large number of other minor points have been made; but I do not propose to give a reply to them at this stage, as they will come up when the amendments which have been tabled come up for consideration. I do not wish to take up more time. Sir, with these words, I commend my motion to the House.

**Mr. Deputy President:** The question is:

"That the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. Deputy President:** Does Mr. Sanyal wish to move his amendments to clause 2?

**Mr. Sasanka Sekhar Sanyal:** My friend the Member in charge did not reply to a point I raised in the course of the general discussion as to whether or not the intermediate party who sub-lets will escape. Has he taken legal opinion on this matter? If his explanation is satisfactory, I may not move my amendments.

**Mr. Deputy President:** I might inform Honourable Members that there are a large number of amendments and I do not propose to call each member by name. When the time comes, I will put the caluse to the House and I will expect Honourable Members who want to move their amendments to rise in their places. Otherwise it will be presumed that they do not intend to move their amendments.

**Mr. Sasanka Sekhar Sanyal:** For the time being you will pass over clause 2 and proceed to clause 3, because much will depend upon the provisions that will be adopted by the House in the matter of the definition of landlord and tenant. For the purpose of economy, if the Honourable Member in charge does not disagree, we had better proceed to the other clauses and come to the definition afterwards.

**Mr. B. K. Gokhale:** I do not think it will be possible to delay clause 2 and then go on, because according to the Honourable Member himself, everything depends on the definition and we cannot very well consider other clauses, leaving the definitions vague. So, we have to proceed with clause 2. I notice that the Honourable Member has given notice of two amendments to clause 2 and if he is not going to move them, I presume that he does not wish to press these amendments.

**Mr. Sasanka Sekhar Sanyal:** I simply wanted an assurance from him that the purpose of my amendment is amply safeguarded by the provision of the definitions proposed in the Bill.

**Mr. B. K. Gokhale:** I was coming to that. The point which my Honourable friend raised was considered in Select Committee and it was agreed that the definition as it now stands amply covers all cases. The definition as it first stood in the original Bill was too wide and was cut down after prolonged discussion. As regards the point which he raised about the middleman, if he sub-lets, he will be treated as a landlord and the sub-tenant becomes a tenant, under the definition of tenant. So there will be no *lacuna*. That is what we have been advised by the best legal opinion; and I am content to accept that advice.

**Mr. Deputy President:** The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

**Mr. Tamizuddin Khan** (Dacca *cum* Mymensingh, Muhammadan Rural):  
Sir, I move:

“That in sub-clause (1) of clause 4 of the Bill, the words ‘for use as a residence’ be omitted.”

This raises a very important point. In the Bill as reported on by the Select Committee, a distinction has been made between houses let out to tenants for residential purposes and houses let out for commercial and other purposes and so far as tenants who take lease for residential purposes are concerned, they have been allowed to sub-let a part of their premises taken lease of but in the case of those who take for commercial and other purposes no such sub-letting is permissible. That is the difference that is made. I do not think this is an equitable provision. I do not know why this distinction has been made. Probably the impression is that those who take for commercial purposes are all big men. Therefore it is an iniquity on their part if after taking lease of certain premises they let out even a portion of these premises to sub-tenants. That is why they are proposed to be penalised under the provisions of this Bill. This is a very wrong impression.....

**Mr. B. K. Gokhale:** It might perhaps cut short the discussion if I say that I am willing to accept my friend's amendment. The only suggestion I would make is that ‘let’ may be added—‘let for use as a residence’.

• **Mr. Deputy President:** Amendment moved:

“That in sub-clause (1) of clause 4 of the Bill, the words ‘for use as a residence’ be omitted.”

The amendment of Lala Deshbandhu Gupta seems to be more suitable. I would ask him to move his amendment.

**Lala Deshbandhu Gupta:** Sir, I move:

“That in sub-clause (1) of clause 4 of the Bill, the words ‘as a residence’ be omitted.”

**Mr. Deputy President:** Amendment moved:

“That in sub-clause (1) of clause 4 of the Bill, the words ‘as a residence’ be omitted.”

**Mr. B. K. Gokhale:** I accept Mr. Gupta's amendment.

**Mr. Tamizuddin Khan:** In that case, I withdraw my amendment.

The amendment was, by leave of the Assembly withdrawn.

**Mr. Deputy President:** In that case, I shall put the second amendment of Mr. Gupta to the House.

The question is:

"That in sub-clause (1) of clause 4 of the Bill, the words 'as a residence' be omitted."  
The motion was adopted.

**Miss Maniben Kara** (Nominated Non-Official): Sir, I move:

"That part (a) of sub-clause (1) of clause 4 of the Bill be omitted, and the subsequent parts be re-numbered accordingly."

I have got three amendments to this clause and they are all inter dependent. Under these circumstances, in order to save time, I would request you to allow me to move all the three at the same time, so that I can speak on all the three. For voting purposes, if you so desire, the amendments may be put to vote separately.

**Mr. Deputy President:** Amendment moved:

"That part (a) of sub-clause (1) of clause 4 of the Bill be omitted, and the subsequent parts be re-numbered accordingly."

**Miss Maniben Kara:** I will now move my second amendment:

"That for part (b) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

'the tenant may recover from the sub-tenant an amount equal to the standard rent of the premises in proportion to the area he occupies';"

**Mr. Deputy President:** Amendment moved:

"That for part (b) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

'the tenant may recover from the sub-tenant an amount equal to the standard rent of the premises in proportion to the area he occupies';"

I will now ask **Mr. Mukut Bihari Lal Bhargava** to move his amendments.

**Mr. Mukut Bihari Lal Bhargava** (Ajmer-Merwara: General): Sir, I move:

"That for part (a) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

'(a) the landlord may increase the rent payable by the tenant—

- (i) in the case of premises let for residential purposes by an amount not exceeding 12½ per cent. of the standard rent of the part sublet; and
- (ii) in the case of premises let for other purposes by an amount not exceeding 25 per cent. of the standard rent of the part sublet'."

My next amendment, which also relates to sub-clause (1), runs thus and I move it:

"That for part (b) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

'(b) the tenant may increase the rent payable by the sub-tenant—

- (i) in the case of premises let for residential purposes by an amount not exceeding 25 per cent. of the standard rent of the part sublet; and
- (ii) in the case of premises let for other purposes by an amount not exceeding 50 per cent. of the standard rent of the part sublet'."

**Mr. Deputy President:** Amendments moved:

1. "That for part (a) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

'(a) the landlord may increase the rent payable by the tenant—

- (i) in the case of premises let for residential purposes by an amount not exceeding 12½ per cent. of the standard rent of the part sublet; and
- (ii) in the case of premises let for other purposes by an amount not exceeding 25 per cent. of the standard rent of the part sublet'."

2. "That for part (b) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

'(b) the tenant may increase the rent payable by the sub-tenant—

- (i) in the case of premises let for residential purposes by an amount not exceeding 25 per cent. of the standard rent of the part sublet; and
- (ii) in the case of premises let for other purposes by an amount not exceeding 50 per cent. of the standard rent of the part sublet'."

Four amendments are now before the House.

Does the Honourable Secretary accept any of these amendments? If the House knows that, it will facilitate the discussion.

**Mr. B. K. Gokhale:** Sir, the whole question is about subletting, and whether we are going to offer any incentive to the landlord and to the tenant for subletting or whether we merely insist on the sub-tenant paying exactly a portion of the standard rent. One set of amendments says that the sub-tenant shall pay exactly the proportion of the standard rent, which gives no incentive to the other parties. The other set of amendments gives an incentive. So, I am prepared to accept Mr. Mukut Bihari Lal Bhargava's amendments, but I am not in a position to accept Miss Maniben Kara's amendments.

**Miss Maniben Kara:** Sir, I am sorry that the Honourable Member has not conceded to accept the amendments which I have moved. As a matter of fact, when the original Bill was referred to the Select Committee, it was certainly expected that the Bill will undergo a change for the better to the extent of controlling the rent and giving relief to the tenants. I accept that as a result of the work of the Select Committee there have been a number of changes. But I must point out, that as far as this clause is concerned, in the original Bill there was no such proposal that a tenant may be allowed to profiteer as a result of his subletting a part of his house to somebody else. It is rather unfortunate that in a Bill of this type, the object of which is to control the rent, and after having agreed that a certain percentage of increase will be allowed on the basis of 1939, a backdoor measure to increase the rent should be brought before the House. In this particular clause a tenant who is willing to share his big house with other needy persons, is allowed to charge 12½ per cent. more for his own self, or, in other words, 25 per cent. more from the sub-tenant, and the profit is allowed to be divided between the landlord and the tenant, who, in this case, happens to be the landlord. Sir, I do not think it would be proper to argue that by putting a certain percentage of extra rent, we will be in a position to control black-marketing or *pugree* or any of those irregularities which are existing today as a result of sub-tenancy. Because I know that even by fixing this 25 per cent. more for sub-tenancy, if he does not want to sub-let his house without taking his *pugree* he certainly is not going to do so. With regard to checking of *salami* or *pugree* money, certainly it is not going to be checked as a result of your allowing the tenant to charge 25 per cent. more rent. I can understand, I can even appreciate and I would even accept the position if I was convinced that by charging a sub-tenant 25 per cent. more we will be able to drive out corruption or *salami* or *pugree* as far as sub-tenancy is concerned. But unfortunately that will not be the case. A tenant will not go out of his way simply to share his premises with the other tenant simply because you have put down a clause entitling him to charge 25 per cent. more. I would expect that while at least legislating a Bill of this nature, let us not allow any profiteering after fixing a certain percentage of increment in the rent. It amounts to profiteering by the tenant and also by backdoor methods allowing the landlord to have more rent.

**Mr. Deputy President:** I propose sitting till the House is able to finish clause 4. I am informing this House about this decision of mine so that the speeches may be regulated.

**Miss Maniben Kara:** Though I have been a party to the Select Committee and though I have put in a Minute of Dissent, this is the first time I am speaking on the Bill.

**Mr. Deputy President:** I do not object to the Honourable Member proceeding with her speech. I am only informing her what I propose to do.

**Miss Maniben Kara:** Sir, by granting 25 per cent. more on standard rent, if I was convinced that that would put an end to all *salami* or *pugree*, as I said before, I would be willing to accept the clause as it stands. Even now if



[Miss Maniben Kara.]

the Honourable Member in charge of the Bill is prepared to convince me to that effect, I would be prepared to accept his suggestion. I know that it cannot be done. The man who is already occupying will continue there and we do not know whether he will be honest enough not to manage in *pugree*. Under these conditions when we are not in a position to drive out the evil of *salam*, I do not see any reason why by such legislation we should encourage profiteering by a tenant and thus help the landlord by the backdoor. I would therefore appeal to the Honourable Member and also to the Members of this House to accept this amendment so that we do not legislate for more increase in rent and we do not encourage profiteering by tenants at the expense of sub-tenants.

**Pandit Mukut Bihari Lal Bhargava:** Sir, the object of moving this amendment is this. Clause 4(1), as it stands confines the applicability of sub-letting to residential premises only. My amendment aims at extending its scope to such premises which are being sub-let for non-residential purposes. In keeping with the general scheme of the Bill, I have proposed that in cases of sub-letting in so far as residential premises are concerned, sub-clause (1) of clause 4 proposes that a tenant may charge 25 per cent, and half of it may be divided between the landlord and the tenant. So far as commercial premises or non-residential premises are concerned, my amendment proposes that the tenant may charge 50 per cent over and above the standard rent and that 50 per cent may be divided between the landlord and the tenant to the extent of half and half. Therefore, so far as my amendment is concerned it aims at extending the scope of sub-clause (1) (a) of clause 4, to non-residential premises. So far as the amendment of Miss Kara is concerned, it aims at deletion of this part because it has been argued that it aims at profiteering. My submission is that the argument is wholly misplaced because if you recognise by means of this Bill that it will be permissible for the tenant to sub-let the premises at a certain rate, then it does not amount to profiteering at all, it means defining of standard rent so far as sub-letting of premises is concerned. In fact analogous provisions did not exist in the previous ordinances—neither in the Ajmer-Merwara Rent Control nor in the Delhi Ordinance 25 of 1944. So far as Ajmer-Merwara is concerned, this problem of sub-letting does not exist. So far as the Bill is concerned, its one aim is to fix rent for the premises and facts as they stand cannot be ignored by any legislation when making a particular enactment. We find that a number of premises have been sub-let and the tenants are actually charging considerably higher amounts of rent than they are paying to the landlord. Secondly when we recognise sub-letting, it becomes our duty as legislators to define as to what will be the standard rent chargeable for sub-letting by a tenant and that the benefit of it should go not only to the tenant but also to the landlord because ordinarily it is not permissible for any tenant to sub-let the premises without the consent of the landlord. When we recognise sub-letting without the consent of the landlord, then it is our paramount duty to lay down the principle and there is nothing strange if we prescribe that the amount charged will be divided between the landlord and the tenant half and half, giving the advantage to both. I do not wish to take any more time of the House. I commend my amendments to the House.

**Mr. B. K. Gokhale:** Sir, there is just one point. I think my Honourable friend Miss Maniben Kara is labouring under a misapprehension when she thinks we are out to help profiteering. There is no question of encouraging profiteering. The tenant may have already taken *salam* or *pugree*. (But where he is charging 100 per cent or 200 per cent extra over and above the standard rent of the part sub-let, we are now trying to reduce the rent of the sub-tenant and limit it to 25 per cent or 50 per cent as the case may be. This is wholly in the interest of the sub-tenant.

**Mr. Deputy President:** The question is:

"That part (a) of sub-clause (1) of clause 4 of the Bill be omitted, and the subsequent parts be re-numbered accordingly."

The motion was negatived.

**Mr. Deputy President:** The question is:

"That for part (b) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

'the tenant may recover from the sub-tenant an amount equal to the standard rent of the premises in proportion to the area he occupies';"

The motion was negatived.

**Mr Deputy President:** The question is:

"That for part (a) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

(a) the landlord may increase the rent payable by the tenant—  
(i) in the case of premises let for residential purposes by an amount not exceeding 12½ per cent. of the standard rent of the part sublet; and  
(ii) in the case of premises let for other purposes by an amount not exceeding 25 per cent. of the standard rent of the part sublet'."

The motion was adopted.

**Mr. Deputy President:** The question is:

"That for part (b) of sub-clause (1) of clause 4 of the Bill, the following be substituted, namely:

(b) the tenant may increase the rent payable by the sub-tenant—  
(i) in the case of premises let for residential purposes by an amount not exceeding 25 per cent. of the standard rent of the part sublet; and  
(ii) in the case of premises let for other purposes by an amount not exceeding 50 per cent. of the standard rent of the part sublet'."

The motion was adopted.

**Miss Maniben Kara:** Sir, I move:

"That in sub-clause (2) of clause 4 of the Bill, the words 'whether before or' be omitted."

This sub-clause says:

"Where the landlord has at any time whether before or after the commencement of this Act incurred expenditure on any improvement or structural alteration of the premises not being expenditure on decoration or normal repairs, and the cost of that improvement or structural alteration has not been taken into account in determining the standard rent of the premises, he may increase the rent per year by an amount not exceeding six and one-quarter per cent. of such cost."

If rent was increased at the time the expenditure was incurred the landlord was entitled to do so because even under the Rent Control

Order there was nothing to prevent it. But by having the words "whether before or" at every stage we are only helping them to dig out the past. It is possible that repairs were made four or six years back; should we allow the landlord to dig up the past now by passing this law? These words occur everywhere; for instance, in clause 9 where the question of eviction comes in these words are there. I therefore submit that while for all other purposes we want to apply this Bill to the future, in this case we should not allow it to affect the past. In order to avoid any unpleasantness between the landlord and the tenant and to avoid digging up things which happened long ago, I submit that this harmless amendment should be accepted. It is not a big issue and it makes no substantial change in the Bill. I am sure the landlords would not be so charitable as not to charge the tenants for repairs or for the additional expenditure incurred. And therefore I appeal to the Honourable Member in charge to accept the amendment.

**Mr. Deputy President:** Amendment moved:

"That in sub-clause (2) of clause 4 of the Bill, the words 'whether before or' be omitted."

**Mr. B. K. Gokhale:** Sir, I am sorry I cannot accept this amendment. There is no difference between myself and my Honourable friend on questions

[Mr. B. K. Gokhale.]

of principle. She is perfectly willing to accept that where a landlord effects an improvement, he should get extra rent. About the past, there cannot be many such cases. The landlords must have already got extra rent; and it is specifically provided that, in such cases, no further increase will be allowed. Now that leaves a very few cases which may have happened in the last three or four months where the landlord has effected improvements and has not yet added anything to the rent. Should we deny him the benefit of these improvements because he had no time or opportunity, to add to the rent? I do not think that would be at all fair. With regard to things that happened in the past and which my Honourable friend is afraid may be raked up, I do not think there will be any possibility of raking up the past. It will be very difficult for the landlord in such cases to prove that improvements effected say four years ago were not taken into account and that he had slept over it. So I feel that the clause as it stands is perfectly fair and I cannot accept the amendment.

**Mr. Deputy President:** The question is:

"That in sub-clause (2) of clause 4 of the Bill, the words 'whether before or' be omitted."

The motion was negatived.

**Mr. Deputy President:** The question is:

"That clause 4 as amended, stand part of the Bill."

The motion was adopted.

Clause 4 as amended, was added to the Bill.

The Assembly then adjourned till Eleven of the Clock on Friday, the 21st March, 1947.