

THE  
LEGISLATIVE ASSEMBLY DEBATES  
Official Report

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Volume III, 1947

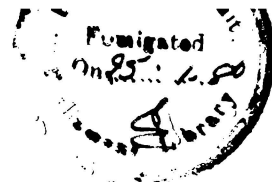
*(10th March, 1947 to 24th March, 1947)*

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

*Assistants of the Secretary :*

Mr. A. J. M. ATKINSON.

Mr. HASAN MOHAMMAD KHAN.

Mr. N. C. NANDI.

*Marshal :*

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

*Committee on Petitions :*

Khan MOHAMMAD YAMIN KHAN, M.L.A. (*Chairman*).

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 "OUDH 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—".



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# LEGISLATIVE ASSEMBLY

Friday, 21st 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

#### LICENCES FOR ESTABLISHMENT AND EXTENSION OF FACTORIES

**1088. \*Mr. Manu Subedar:** (a) Will the Honourable Member for Industries and Supplies please state in which industries Government have instituted a system of licences for (i) extension of the factory, and (ii) establishing new factories?

(b) What is the policy in respect of the issue of such licences?

(c) Who determines such issues and what is the share of the Provincial Governments in such determination?

**The Honourable Sri C. Rajagopalachari:** (a), (b) and (c). No system of licencing factories has been instituted so far; but this question is under consideration. I might however state that for securing proper distribution of industrial development, a certain amount of control has been exercised in the case of Cotton Textile, Cement and Sugar industries. This control is confined to the allocation of quotas of production to Provinces and Indian States, the actual distribution of the quotas to individuals being made by or on the recommendation of the Provincial and State Governments.

**Mr. Manu Subedar:** Is it not true that the Food Department exercises control over factories concerned with the production of food items, like vegetable ghee, and may I enquire whether Government will take the whole issue of licencing factories together into consideration and that they will formulate their policy from one department which will be applicable to all?

**The Honourable Sri C. Rajagopalachari:** The suggestion will be taken into consideration.

**Prof. N. G. Ranga:** Does this also include that the various companies may be advised or directed to allow the Provincial Governments to take a particular portion of the shares of these new factories?

**The Honourable Sri C. Rajagopalachari:** The policy of trying to control through ownership of industries is a general question, and I would like the Honourable Member to deal with it separately.

#### PARTICIPATION OF FOREIGN ENTERPRISE IN NEW COMPANIES.

**1089. \*Mr. Manu Subedar:** (a) Will the Honourable Member for Industries and Supplies please state if Government have any information with regard to the numerous companies for the manufacture of various articles, that are projected, or already registered, in which foreign enterprise is invited to participate or share on certain terms?

(b) What steps have Government taken to see that the terms, on which such participation takes place, are reasonable and are not opposed to the interests of India as a whole?

(c) Have Government considered any steps in order to check the purchase of machinery and equipment at highly inflated prices by Indian companies from abroad?

(d) Have Government any information of the volume of orders for machinery placed abroad and have they any means of knowing this?

(e) What steps do Government propose to take in order to have full information regarding such matters in future?

**The Honourable Sri C. Rajagopalachari:** (a) The attention of the Honourable Member is invited to my reply to parts (a), (b) and (c) of his Starred Question No. 1090 to be answered today.

(b) When sanctioning issue of capital, Government examine the terms as far as possible from this point of view.

(c) Facilities now exist for importers to obtain their requirements of machinery from the cheapest sources. A Press Note on the subject dated the 14th September 1946 issued by the Government of India, is placed on the table.

(d) Although Government do not have a perfect machinery for accurately gauging volume of orders for machinery and equipment placed abroad, in the administration of Import Controls Government can get a fair idea of the volume of these orders. A statement showing the approximate figures for 1945 and 1946 is placed on the table.

(e) Government will consider the question.

PRESS NOTE.

*Imports of Capital Goods from non-sterling area countries.*

Representation have recently been received by the Government of India that machinery manufacturers in the United Kingdom quote considerably higher prices and longer periods of delivery for capital goods as compared with the terms offered by manufacturers in hard currency countries. These representations have been considered by the Government of India and with a view to enable industrialists to obtain their requirements from the countries which offer relatively more favourable terms, it has been decided to allow importation of capital goods and machinery from hard currency countries if it is proved that the U. K. prices for a comparable plant of equal performance is appreciably higher and/or the period of delivery is longer.

With a view to further assist industrialists, it has been decided that the responsibility for ascertaining non-availability of capital goods in the sterling area should henceforth be assumed by Government and steps are being taken to dispose of applications as expeditiously as possible.

COMMERCE DEPARTMENT,

New Delhi, September 14, 1946.

*Statement showing the approximate total value of machinery and equipment (including Heavy Electrical equipment and machine tools) for which import licences were issued during 1945 and 1946.*

(In lakhs of rupees).

Country of Import	1945	1946
U. K. . . . .	4988	5407
U. S. A. . . . .	610	2345
Canada . . . . .	7	96
Sweden . . . . .	15	198
Switzerland . . . . .	30	204
Others . . . . .	55	836
<b>Total</b> . . . . .	<b>5705</b>	<b>9986</b>

**Mr. Manu Subedar:** In view of the notorious fact that many Indian firms through their inexperience or through their anxiety to have their factories established quickly are placing orders recklessly in other countries of the world at very heavy prices for textile machinery, printing machinery, sugar-making plants, etc., will Government consider the desirability of checking this private putting of orders at very heavy prices because it is detrimental to the interests of this country?

**The Honourable Sri C. Rajagopalachari:** If the Honourable Member will read the Press Note that I have referred to, the last paragraph is this:

"With a view to further assist industrialists, it has been decided that the responsibility for ascertaining non-availability of capital goods in the sterling area should henceforth be assumed by Government and steps are being taken to dispose of applications as expeditiously as possible."

Other information too is placed, Sir, at the disposal of the industrialists, and the general matter of trying to make the best bargain for industrialists will also be considered by the Government, but I think the industrialists are quite capable to take care of themselves.

**Prof. N. G. Ranga:** Are any steps being taken to see that our industrialists will not place orders abroad for such of the articles as can be had in our own country even though the prices may be a little higher?

**The Honourable Sri C. Rajagopalachari:** The suggestion is extremely simple, and I think the industrialists are quite aware of the advantages of securing articles locally instead of waiting for supplies from abroad.

**Pandit Lakshmi Kanta Maitra:** May I know from the Honourable Member if Government propose to institute an *ad hoc* machinery for the purpose of collecting data as to the orders placed abroad?

**The Honourable Sri C. Rajagopalachari:** The machinery that we have and to which I referred—the Import-Control Machinery is adequate enough. If we exercise a greater amount of control it may cause delay, but the suggestion will be considered.

**TERMS OF COMBINATION OF INDIANS AND NON-INDIANS IN THE MANUFACTURE OF MOTOR CARS, DYESTUFFS, ETC.**

**1090. \*Mr. Manu Subedar:** (a) Will the Honourable Member for Industries and Supplies please state if Government have any information with regard to combination of Indians and non-Indians in the manufacture of (i) motor-cars, (ii) textile machinery, (iii) dyestuffs, and (iv) technical equipment?

(b) How many such companies have been projected?

(c) Have Government seen the terms and conditions between Indians and non-Indians and, if so, have they considered whether it is necessary in the interests of India as a whole to avoid some of these terms?

(d) Approximately when is production expected to start on these lines according to information possessed by Government?

**The Honourable Sri C. Rajagopalachari:** (a), (b) and (c). I presume that by "combination" is meant arrangements under which non-Indians are to participate in the share-holding and control of an Indian company. As far as Government are aware, an agreement was entered into recently between some Indian industrialists and some British industrialists to start the manufacture of spinning machinery in India. A new company (Messrs. Parimal Limited) has been formed for the purpose with a capital of Rs. 1½ crores, the issue of which has been sanctioned. The agreement provides that, while the majority of the shares and controlling interests will be held by Indians, the British industrialists will have a minor financial interest in the company and will be represented on the Board.

Government also understand that negotiations are in progress between Messrs. Tata Sons Limited and the Imperial Chemical Industries Limited for the formation of a company for the manufacture of dyestuffs in India, but Government have no further information.

Government are not aware of any such combinations for the manufacture of motor cars or "technical equipment".

Government do not consider it necessary, in the interests of India, to interfere in the terms and conditions of the agreement for the manufacture of spinning machinery.

(d) The Company formed for the manufacture of textile spinning machinery in India is expected, if all goes well, to begin manufacture in 1950. I cannot say anything about the other concern.

**Mr. Manu Subedar:** Are Government aware that in some cases the Indian counterpart of these combinations is merely the selling agent, and that the material is coming here in a knocked down and loose condition and is being merely put right and then sold as Indian manufactured goods?

**The Honourable Sri C. Rajagopalachari:** There is such a possibility, Sir though I would not vouch for all of them being of that character.

**Mr. Manu Subedar:** Will not Government set up some machinery to secure the fullest information even if they did not consider it desirable normally to interfere with these combinations?

**The Honourable Sri C. Rajagopalachari:** Yes, Sir. We have done our best to collect our information and I could have given more information on the question put, apart from the question of combination, if I were satisfied with inaccurate and vague information. Government have a lot of vague information. But there is opportunity for getting more accurate information as things develop. The suggestion of the Honourable Member, if put in a little more concrete form as to the nature of the organisation we have to set up, will be taken into consideration.

**Mr. Manu Subedar:** I shall be very glad to send the Honourable Member a note on the subject.

**The Honourable Sri C. Rajagopalachari:** Thanks, Sir.

#### SINDRI FERTILISER PLANT

1091. **\*Mr. Manu Subedar:** (a) Will the Honourable Member for Industries and Supplies please state the progress that has been made in the direction of the Sindri Plant for the manufacture of fertilisers?

(b) What progress has been made with regard to the setting up of cement manufacture from base products of the fertiliser?

(c) Is it a fact that the firm of British Consulting Engineers is also supervising work in India?

(d) Have Government received any complaints that, in the distribution of works orders in India, Indian firms have been discriminated against and have not been given full opportunity for taking up the work?

(e) What is the volume of orders, which have gone to British firms in India and of those, which have gone to Indian firms?

(f) What was the original date mentioned in the Assembly by Sir Ramaswami Mudaliar when this plant would be functioning, and by how many years will that date be delayed?

(g) What are the principal causes for such delay?

**The Honourable Sri C. Rajagopalachari:** (a) The Honourable Member is referred to the answer of the Starred Question No. 365.

(b) Specifications have been drafted for the machinery for the cement factory and issued to manufacturers specialising in this class of work in

England, in the U.S.A. and in India, for the purpose of submitting competitive tenders.

(c) No Sir. The Consulting Engineers are an American firm.

(d) Owing to the difficulty of obtaining competitive tenders in India for structural steelwork, Government set up a small committee to make recommendations to Government on the allocation of orders for such work and a complaint was received from an Engineering Association to the effect that, out of 10,000 tons of structural steelwork required, orders for 9,000 tons had been placed with European controlled firms. The Association complained that this committee was showing discrimination against Indian firms. The facts were that, excluding orders for steelwork for the Power-Gas speciality plant, for which they hold an all-in contract, only one order for 1,200 tons of structural steelwork and erection of the same had been placed on the recommendations of the Committee, and this had gone to an Indian controlled firm.

(e) At the end of February the value of orders for plant and steelwork and reinforced concrete foundations placed with British controlled firms in India was Rs. 15.18 lakhs. The value of orders placed with Indian controlled firms was Rs. 28.64 lakhs. Many enquiries are still outstanding on both British controlled and Indian controlled firms.

(f) and (g). The time required to bring a factory of this type into production is determined by the time required for delivery of the plant. Owing to the world shortage of capital goods, procurement of plant has been difficult. Notwithstanding this India has been fortunate in obtaining high priority in the various countries of supply for all key items of the plant. Deliveries, however, are in most cases from two to three years from date of placing orders. It is on the basis of best plant deliveries obtainable that it is forecast that the factory will start production early in 1949.

**Mr. Manu Subedar:** Are Government aware in connection with the Sindri Plant that the Sindri people are taking up 8,000 tons of timber lying in Bombay instead of collecting the timber from the Sub-Himalayan Tracts to which it is nearer. They are creating a transport problem and depriving the building trade in Bombay of timber which is in the hands of the Disposals Directorate.

**The Honourable Sri C. Rajagopalachari:** If the question is cheaper supply at the Sindri factory, I am certain that Government will make every endeavour to get it from the Himalayan Tracts. But if it is a question of competition between the building trade in Bombay city and the fertiliser factory, I would place preference on the fertilising factory.

#### UNSATISFACTORY TRAVELLING CONDITIONS ON THE BENGAL NAGPUR RAILWAY

**1092. \*Seth Govind Das:** Will the Honourable Member for Railways be pleased to state:

(a) whether Government are aware that the number of trains on the Bengal Nagpur Railway are still inadequate and that passengers travel on foot-boards in many trains;

(b) whether the pre-war standard of the number of trains is contemplated to be resumed on this Railway, if so, when;

(c) whether Government are aware that most of the carriages of this Railway are in need of repairs and that the passengers are inconvenienced owing to unsatisfactory travelling conditions; and

(d) what steps Government are taking to restore the pre-war travelling conditions?



**The Honourable Dr. John Matthai:** (a) Yes, Sir.

(b) Yes, as soon as more coaching stock becomes available.

(c) Yes. Shortage of materials, fittings and lack of adequate maintenance under war conditions have contributed to the present unsatisfactory condition of much of the coaching stock. Every effort is, however, being made to overtake these arrears in maintenance.

(d) The Railway Administrations are doing their utmost to restore pre-war travel conditions; in fact, the Railway schemes aim at considerable improvement on the pre-war conditions of travel generally although it must necessarily be some time before these schemes can materialize.

**Seth Govind Das:** Are Government aware that particularly in this line the coaches are in a much worse condition than in any line in India?

**The Honourable Dr. John Matthai:** I admit that is possible. But we are doing our best. As the Honourable Member realizes the difficulties in our way are really two: first of all, there is an unusual amount of work thrown on the railway workshops, and then there is the shortage of materials. But consistently with these limiting conditions, we are doing our best.

**Sri R. Venkatasubba Reddiar:** In view of present conditions, would not the additional running of trains cost further loss?

**The Honourable Dr. John Matthai:** Not necessarily Sir.

#### INSPECTION OF RAILWAYS BY INSPECTING OFFICERS OF THE RAILWAY BOARD

**1093. \*Seth Govind Das:** Will the Secretary of the Communications Department be pleased to state:

(a) the manner of inspection of the Railways prescribed by the Railway Board;

(b) the number of inspections made annually of each Railway by the Inspecting Officers of the Railway Board;

(c) the method of inspection adopted;

(d) the number of the Inspecting Officers;

(e) whether these Inspecting Officers secure the assistance of the Local Advisory Committees at the time of inspection;

(f) whether the Inspecting Officers take the proceedings of the Local Advisory Committees as a part of their agenda of inspecting items;

(g) whether the Inspectors summon the parties concerned and hear their grievances when their representations are outstanding for decision before the Railway authorities; and

(h) whether Government propose to consider the desirability of prescribing a more rigid and searching mode of inspection by the Inspection Officers?

**Mr. Masarrat Husain Zuberi:** (a) The Inspectors, who inspect railways in pursuance of the obligation laid down in Section 4(2) (a) & (b) of the Indian Railways Act, 1890 are no longer the officers of the Railway Board, but are under the Communications Department. There are two types of inspections, namely; (i) inspection of a line before it is opened for the public carriage of passengers; and (ii) periodical inspection of lines open already to passenger traffic.

Periodical inspections are sub-divided into two categories: (i) a detailed annual inspection which is usually carried out by a special train in company with the General Manager and his Principal and District Officers; and (ii) a tour inspection, which is carried out mostly by passenger trains usually unaccompanied by any railway official.

Inspection prior to the opening of a line for public traffic is carried out either by a special train or by a trolley.

(b) The information is being collected and will be laid on the table of the House.

(c) The Inspector is expected to pay attention mostly to the following points, and to comment on them in his Annual Inspection Report:

(i) the proper maintenance of the sub-grade works, bridges, tracks, accommodation works, signalling and interlocking equipment, locomotives and rolling stock;

(ii) whether the operation of the railway is being carried out in such a manner as to secure the safety both of the public and of persons operating the railway, and whether the staff are thoroughly familiar with their duties and the rules;

(iii) the adequate provision of facilities for passengers, such as means of communication between passengers and guard, the exhibition of time-tables, tables of fares, authority for quoting rates, reservation for the exclusive use of women of at least one lowest class compartment, provision of safety catches on the doors of compartments, arrangements for dealing with traffic, booking arrangements and waiting accommodation, refreshment arrangements, latrines including their general sanitary conditions;

(iv) whether adequate arrangements exist for fire fighting; and

(v) the proper maintenance of equipment in relief trains and first-aid boxes, medicine chests, etc.

(d) There are five Government Inspectors of Railways, of whom two are in Calcutta, one each at Lahore, Bombay and Bangalore.

(e) and (f). No.

(g) This is not one of the functions of the Railway Inspectorate Officers.

(h) No. The Inspections are already Stringent and Strict.

**Seth Govind Das:** With respect to clause (d), does the Honourable Member know that the number of inspecting officers in the Central part of the country is very few?

**Mr. Masarrat Husain Zuberi:** I have indicated that there are only five Inspectors who are under one Chief Government Inspector of Railways. The headquarters of the circles are in Calcutta, Bombay, Bangalore and Lahore. We have got a very limited staff, I admit.

**Shri Sri Prakasa:** Is it a part of the function of these inspectors to inspect the inside of carriages, etc., and find out if the fittings etc. are in order or not?

**Mr. Masarrat Husain Zuberi:** Yes.

**Shri Sri Prakasa:** Are they expected to report to the Railway Board? What I am anxious about is this: inspection is under one department and repairs under another department. I want to know how the functions of the two are co-ordinated.

**Mr. Masarrat Husain Zuberi:** Inspection is done by the officers of the Railway Inspectorate and their recommendations are forwarded to the Railway Board. I might explain to the House that the Railway Inspectorate till 1941 was a part of the Railway Board but it was separated to make it more independent of the Railway Board and it was done after this House accepted that recommendation and recommended it to the Government.

**Seth Govind Das:** The Honourable Member has accepted that there are practically no Inspectors in the Central part of the country. What is he going to do with respect to this? Is he going to increase the number and see that some Inspectors are appointed for the central part of the country?

**Mr. Masarrat Husain Zuberi:** I do not know whether the Honourable Member is referring to the inspectors in the Inspectorate or to the inspectors

who are under the Railway Board. There are two kinds of inspections. What I am concerned with in the Communications Department are the inspectors who see that the safety regulations are observed. The day to day inspections are the responsibility of the Railway Board. I do not know which category of inspectors the Honourable Member is referring to.

**Seth Govind Das:** I am referring to the Honourable Member's Department.

**Mr. Masarrat Husain Zuberi:** The central area does come under the jurisdiction both of the Railway Inspectors at Bombay and at Calcutta.

**Prof. N. G. Ranga:** In view of the fact that the distance is so great between Bombay and Calcutta and Delhi and Bangalore, will Government consider the advisability of having another circle somewhere near Nagpur?

**Mr. Masarrat Husain Zuberi:** The increase in the number of circles was considered as part of the post-war plans.

**Prof. N. G. Ranga:** Is any effort being made to increase the number of inspectors?

**Mr. Masarrat Husain Zuberi:** We are finding it difficult to staff the few circles that we already have.

#### FOOD STORAGE AT PORTS

1094. \***Mr. Manu Subedar:** (a) Will the Secretary of the Food Department please state what are the details of the long range food storage plans at vital ports?

(b) Which ports are considered vital and why?

(c) What is the total estimated cost of the project?

(d) In how many years will the work of constructing these warehouses be done and by what machinery?

(e) Have Government considered in the preparation of these plans the effect of the proposed Karachi-Bombay broad gauge railway, which passes through the port of Kandla in Cutch?

(f) If not, do Government propose to consider the desirability of having the scheme re-examined?

**Mr. K. L. Panjabi:** (a) The long range food storage plans under Government's consideration are based upon the recommendations of the Krishanama-chari Committee, a copy of the summary of whose recommendations is in the library of the House.

(b) No decision has yet been taken regarding the location of food storage accommodation.

(c) The cost of the project has not yet been estimated. This can only be done after a decision regarding the location, capacity and type of storage to be constructed has been taken.

(d) As no decision has yet been taken about the type and capacity of the storage accommodation to be built, it is not possible to state the period required for construction, and the agency to be employed for the purpose.

(e) and (f). Government will bear in mind the improvement in communications as a result of the construction of proposed Karachi-Bombay broad gauge railway.

**Prof. N. G. Ranga:** In view of the fact that the Government have their own Storage Directorate and also that the report of the Committee has been with the Government for more than six months, why is it that the Government of India maintain even today that they are still considering the recommendations of that Committee in regard to storage and the making of plans for the construction of warehouses?

**Mr. K. L. Panjabi:** The report of the Committee has only just been received. A summary has been forwarded to Government in advance but no decision could be taken until the complete report of the Committee had been received.

**Mr. Manu Subedar:** Having regard to the extensive storage godowns which have been built by Provincial Governments, will the Honourable Member tell us what order of sums are intended to be spent on these warehouses at the principal ports and which of the ports have been selected for this purpose?

**Mr. K. L. Panjabi:** As I have already stated, no decision has been taken regarding the location of the storage accommodation to be built. I might point out that the Committee has estimated that the cost of the additional accommodation will be six crores of rupees.

**Mr. Manu Subedar:** May we not know the policy which the Government of India have, as the number of large warehouses to be erected at various ports will naturally depend on the policy if the Government, as to how much food reserve they intend to carry in future in their own hands?

**Mr. K. L. Panjabi:** No decision has yet been taken but I might point out that the Committee has recommended that the emergency food reserve should be about 1½ million tons.

**Sri V. C. Vellingiri Gounder:** May I know if it is the policy of the Government to import foodstuffs even after the present food shortage is tided over?

**Mr. K. L. Panjabi:** That is largely a question of the future and if there is no necessity to import foodgrains the Honourable Member may rest assured that none will be imported.

**Sri V. C. Vellingiri Gounder:** What then is the use of spending so many crores on storage accommodation?

**Mr. President:** That would be argumentative.

**Pandit Lakshmi Kanta Maitra:** Is it proposed to locate the storage accommodation only at ports and not at central places?

**Mr. K. L. Panjabi:** No decision has yet been taken but the Committee has recommended that the bulk of this accommodation should be constructed at the ports.

**Sri V. C. Vellingiri Gounder:** In these matters are the Provincial Governments consulted?

(No answer was given)

**Pandit Lakshmi Kanta Maitra:** What is the Committee to which the Honourable Member has been referring all the time? Is it the Gregory Committee?

**Mr. K. L. Panjabi:** No, Sir. I was referring to the Committee which was presided over by Sir V. T. Krishnamachari.

**Pandit Lakshmi Kanta Maitra:** Is the Honourable Member aware that the Gregory Committee report made a definite and specific recommendation about building up a reserve stock for the whole of India and may I know whether this Krishnamachari Committee has made any departure from the recommendations of the Gregory Committee? Is the Honourable Member also aware that the Gregory Committee never contemplated the location of grain storage godowns at ports in India but at central places?

**Mr. President:** This is entering into an argument.

**Pandit Lakshmi Kanta Maitra:** No, Sir. I am referring to two distinct Committees. I want to know whether this Committee has made any departure from the recommendations of the Gregory Committee on the identical subject.

**Mr. K. L. Panjabi:** Copies of both the reports are in the library of the House and I think the Honourable Member will be able to get the necessary information from them.

## DISPOSAL OF APPEALS BY THE INCOME TAX TRIBUNALS

1095. \*Seth Govind Das: Will the Honourable the Law Member be pleased to state:

(a) the number of appeals submitted to the Income-tax Tribunals annually during the last three years;

(b) the number of appeals disposed of every year and appeals that were transferred to succeeding years;

(c) the revenue derived by way of fees on appeals preferred and the amount which Government contribute for the maintenance of the Tribunals;

(d) the authority under which they are being administered;

(e) the official status of the Tribunal Members;

(f) whether they are being recruited on the basis of provincial representation;

(g) whether they are qualified in the Provincial languages;

(h) whether it is possible to recruit members to the Tribunals with a regional relationship having qualifications in the Provincial or regional languages;

(i) whether Government propose to appoint in future to the Income-Tax Tribunals members belonging to regions over which they are expected to have jurisdiction and having knowledge of the regions they are to work for; and

(j) the number of Tribunal Members in India at present functioning from each Province together with the names of the Provinces they belong to?

The Honourable Mr. Jogendra Nath Mandal: (a), (b), (c) and (j). A statement giving the information asked for is laid on the table.

(d) Section 5A of the Indian Income-tax Act, 1922.

(e) The official status of the Members of the Tribunal is that of Officers of Class I, Central Services.

(f) No.

(g) Most of the Members know Hindi or Hindustani, but none of them are proficient in all the languages of the provinces within their respective jurisdiction.

(h) and (i). No. It would not be possible to recruit members of the Tribunal on a regional basis without considerably increasing the number of members which is not feasible unless the relevant provision of the Act limiting the maximum number of members to ten is amended. Government are however satisfied that no inconvenience is now caused to parties by reason of the members of the Tribunal not knowing the languages in which the account books are kept as these are examined by the Income-tax Officers and where there is a dispute about the translation of a document the party producing it is required to submit a translation certified by the official translator of the High Court.

## Statement

(a) Number of appeals instituted

Year	I. T. appeals	E. P. T. appeals	Total
1943-44	1953	364	2317
1944-45	2570	451	3021
1945-46	3038	660	3698

## (b) Number of appeals disposed of

Year	I. T. appeals	E. P. T. appeals	Total
1943-44	1683	223	1906
1944-45	1917	377	2294
1945-46	1769	283	2052

## Number of appeals remaining undisposed of and carried forward

Year	I. T. appeals	E. P. T. appeals	Total
1943-44	1327	273	1600
1944-45	1980	347	2327
1945-46	3249	724	3973

## (c) Revenue derived by way of fees and expenditure of the Income-tax Appellate Tribunal.

Year	Revenue	Expenditure
	Rs.	Rs.
1943-44	1,96,950	3,70,555
1944-45	2,49,800	4,37,339
1945-46	2,90,800	4,52,939

## (j) Number of Tribunal Members at present functioning from different Provinces.

Benches	Jurisdiction	No. of Members	Province of origin
Bombay Benches	Bombay, C. P. & Berar, Sind, Baluchistan, Delhi, Ajmer, Abu.	4	2 from Punjab 1 from Bombay. 1 from Madras.
Calcutta Bench	Bengal, Assam, Bihar	2	1 from Bihar. 1 from Bombay.
Allahabad Bench	U. P., Punjab, N. W. F. P.	2	1 from U. P. 1 from Bombay.
Madras Bench	Madras, Orissa, Bangalore.	2	2 from Bengal.

**Seth Govind Das:** With respect to clause (g) of the question, the Honourable Member said that they know Hindustani. Is the Honourable Member aware that even in the Hindustani speaking areas there are many members of these tribunals who do not know Hindustani?

**The Honourable Mr. Jogendra Nath Mandal:** Sir, I cannot make any definite statement on the point. What the Honourable Member says might be a fact. But as I have stated in my reply to parts (h) and (i) no inconvenience or difficulty has been caused on that account.

**Seth Govind Das:** Has the Honourable Member received any complaints with respect to this language affair?

**The Honourable Mr. Jogendra Nath Mandal:** No, Sir.

**Prof. N. G. Ranga:** Who appoints these people and for what term are they appointed?

**The Honourable Mr. Jogendra Nath Mandal:** They are appointed by the Government on the recommendation of Federal Public Service Commission.

**Prof. N. G. Ranga:** For what periods?

**The Honourable Mr. Jogendra Nath Mandal:** Usually on contract basis for a period of five years.

**Prof. N. G. Ranga:** Are they recruited from the ranks of lawyers or Accountants or both; are they selected by competition or by mere selection?

**The Honourable Mr. Jogendra Nath Mandal:** They are appointed by selection by the Federal Public Service Commission and the requisite qualifications are prescribed.

**Shri Sri Prakasa:** With reference to the answer to part (i) of the question, may I know from the Honourable Member whether Government alone are satisfied that there is no hardship or whether the parties also are satisfied that no hardship is caused to them?

**The Honourable Mr. Jogendra Nath Mandal:** No complaint has yet been received and so the Government are of opinion that no hardship is caused to the parties.

#### RETIRED INCOME-TAX DEPARTMENT OFFICERS AS MEMBERS OF THE INCOME-TAX TRIBUNALS

**1096. \*Seth Govind Das:** (a) Will the Honourable the Law Member be pleased to state whether retired Income-tax Department officers, such as Assistant Commissioners, have been appointed as Members of Income-tax Tribunals?

(b) How many such retired Income-tax Officers are functioning as Members of the Tribunals in this country?

(c) What are the salary and allowances they draw besides their pensions?

**The Honourable Mr. Jogendra Nath Mandal:** (a) Only one appointment of a retired Officer of the Income-tax Department was made as Accountant Member of the Income-tax Appellate Tribunal in pursuance of the proviso to sub-section (3) of section 5A of the Indian Income-tax Act. The officer so appointed has since resigned.

(b) None.

(c) Rs. 2,500, inclusive of pension, if any.

**Seth Govind Das:** For how long did this officer who has now resigned remain in that post?

**The Honourable Mr. Jogendra Nath Mandal:** For about three years.

**Seth Govind Das:** And what was the reason for his resignation?

**The Honourable Mr. Jogendra Nath Mandal:** He resigned on the ground of health.

## GROW MORE FOOD CAMPAIGN.

1097. \*Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Department of Agriculture please state what decision Government have arrived at in the matter of intensifying the "Grow More Food Campaign" in the country for a period of five years?

(b) Have Government fixed a target for the year 1947?

(c) Do Government propose to consider the question of increase of grants to cultivators, more assistance by the Central Fertiliser Pools and the appointment of an Agricultural Machinery Bureau to assist the agriculturists?

Sir Pheroze Kharegat: (a) The questions of the financial assistance to be provided during the five years 1947-52 is under the consideration of Government. A statement is placed on the table showing the nature of the works proposed to be undertaken in each province, the acreage to be covered and the increased production expected.

(b) A statement is placed on the table showing the targets which have been accepted by the provinces for the next five years.

(c) These matters are under consideration.

Food grains Production Targets for 1947-48 to 1951-52 Accepted by Provinces

No.	Name of Province	Rice	Wheat	Jowar	Bajra	Total
		tons	tons	tons	tons	tons
1	Baluchistan	..	14,000	..		14,000
2	Bengal	785,000	..	..		785,000
3	Bihar	250,000	100,000	..	..	350,000
4	Bombay	77,700	45,000	101,000	62,000	285,700
5	Central Provinces	100,000	70,000	23,000	7,000	200,000
6	Madras	650,000	..	..	..	650,000
7	N. W. F. P.	..	48,000	..	..	48,000
8	Orissa	150,000	..	..	..	150,000
9	Punjab	55,000	400,000	..	..	455,000
10	United Provinces	170,000	330,000	..	..	500,000
	Total	2,237,700	1,007,000	124,000	69,000	3,437,700
Targets proposed for other provinces.						
11	Assam	185,000	..	..	..	185,000
12	Sind	42,000	84,000	..	..	126,000
	Grand Total	2,464,700	1,091,000	124,000	69,000	37,48,700



## A Statement showing the Provincial Targets and their Break up :

Province	Schemes	Number of works to be constructed	Seed & manure to be distributed in 1,000 tons	Area in thousand acres	Additional production in thousand tons
1	2	3A	3B	4	5
Bengal	Mor Irrigation Project . . .	..	..	600	250
	Drainage of large Bhils . . .	..	..	100	60
	Reclamation of new lands	..	..	50	35
	Manuring of rice lands . . .	..	90	1,040	197
	Distribution of improved seeds.	..	..	3,500	224
	Installation of Persian wheels.	5,000	..	25	14
	Installation of river pumping Sets.	100	..	10	2
	Construction of Tube-wells . .	200	..	60	3
	Total . . .			5,385	785
Bihar	Construction of surface wells . .	50,000	..	300	55
	Minor Irrigation Schemes . . .	8,000 schemes.	..	800	120
	Reclamation of land . . .	..	..	200	90
	Manuring . . . . .	..	..	1,400	90
	Construction of Tube-wells . . .	168	..	58	12
	Small canals & reservoirs . . .	..	..	120	21
	Total . . .			2,878	388
Bombay	Construction of wells . . .	50,000	..	..	35
		New wells 10,000 to be improved.	..	..	3
	River Pumping Plants . . .	..	..	100	20
	Distribution of improved seeds.	..	..	6,094	117
	Distribution of Manure . . .	..	..	490	44
	Distribution of Compost . . .	..	..	600	3
	Land Improvement Schemes . . .	..	..	600	16
	Mechanical Cultivation of lands	..	..	40	..
				7,954	254+32 Mechanical cultivation

1	2	3A	3B	4	5
C. P. & Berar.	Construction of wells. . . .	15,000 New wells 5,000 to be improved.	..	..	12.
	Construction of new small private tanks.	..	..	25	3.
	Irrigation schemes . . . .	..	..	175	32
	Kans control . . . . .	..	..	300	60 <sup>2</sup>
	Reclamation and colonisation of waste land.	..	..	100	25
	Manures . . . . .	..	..	400	63.
	River Pumping plants . . .	..	..	..	5
				10,00	200
Madras	Multiplication and distribution of Improved paddy seeds.		..	7,100	..
	Mechanical cultivation . . .		..	75 in 5th year	7
	Construction of new wells and renovation of old wells.	62,500 New and 50,000 old	..	..	55
	Construction and repairs of private tanks.	..	..	10	7
	Private pumping sets . . . .	35	..	1	..
	Minor irrigation Project. . .	214	..	185	30
	Schemes for distribution of manures.	280	..	..	300
	Increase in yield through contour ridging and bunding.	..	..	50	2
	Other schemes . . . . .	..	..	..	10
				74,21	631 tons of rice, 17 tons of other foodgrains -648 tons
N.-W. F. P.	Irrigation . . . . .	..	..	..	20
	Construction of Surface Percolation wells.	..	..	..	10
	Reclamation of waste lands . .	..	..	40	13
	Manuring . . . . .	..	2 in 5th year.	45	5
				85	48

1	2	3A	3B	4	5	
Orissa	Emergency Irrigation Projects.	43 Schemes	..	176	33	
	Reclamation of waste lands .	..	..	60	33	
	Renovation of old tanks .	..	..	100	8	
	Construction of embankments for protection of saline lands.	..	..	30	5	
	Drainage of water logged areas	..	..	18	3	
	Distribution of manures .	..	..	300	22	
	Multiplication and distribution of improved seeds.	..	13 in first year. 36_cwt	975	37	
				1,659	146 tons	
Punjab	Agricultural Schemes .	..	..		180 tons	
	Irrigation Schemes . . .	..	..		275 „	
					455 „	
U. P.	Construction of new wells .	150,000	..		150	
	Improvement of existing wells.	100,000	..		30	
	Reclamation of lands . . .	..	..	250	85	
	Construction of contour bunds.	..	..	100	18	
	Tube wells . . . . .	2,000 wells			2,000	90
	Manure . . . . .	..	200 tons		2,350	222
					595	

**Prof. N. G. Ranga:** Is it not a fact that the *Eastern Economist*, a very responsible paper—I daresay my Honourable friend would also admit that it is a very responsible paper—has complained that this Grow More Food Campaign and the targets fixed by the Government of India thereunder are not being pursued vigorously?

**Sir Pheroze Kharegat:** It is perfectly possible, Sir. But I may explain that in the first three years of the Grow More Food Campaign we were able to secure an average annual increased production of three million tons which has been accepted by the provinces who always have a tendency to minimise their production. It is perfectly true that in 1945-46, being a famine year, production was very much below the average.

**Sri V. C. Vellingiri Gounder:** The Honourable Member says that there has been an annual increased production of three million tons. May I know the extent of increase in crop production on account of the Grow More Food Campaign in each Province?

**Sir Pheroze Kharegat:** Sir, the figures are available and if desired I shall be happy to place them on the table of the House.

**Sri V. C. Vellingiri Gounder:** As far as the Province of Madras is concerned, my information is that there has been no appreciable increase at all.

**Mr. President:** That is a matter of opinion.

**Sri V. C. Vellingiri Gounder:** May I know whether any conditions have been imposed in giving these Grow More Food grants to Provinces? The other day I asked whether Government were considering the imposition of any conditions in spending the money when making grants to provinces.

**Sir Pheroze Kharegat:** No, Sir. The plans provide for the construction of certain specific works for the distribution of a specified amount of seed or manure as the case may be, and it is presumed that under normal conditions, if the monsoon etc. are not unfavourable, the necessary increased production will automatically result therefrom.

**Pandit Sri Krishna Dutt Paliwal:** May I know whether targets have been fixed for each year of the five year plan?

**Sir Pheroze Kharegat:** The statement placed on the table shows the targets which have been fixed for every Province.

**Pandit Sri Krishna Dutt Paliwal:** Have they been fixed for each year?

**Sir Pheroze Kharegat:** No, Sir. We have not fixed the target for each year. We have fixed them crop-wise and it is expected that the ultimate target will be achieved in the course of five years. The process of dividing up this target into the amounts to be achieved year by year is still under discussion with the Provinces.

**Prof. N. G. Ranga:** What is the general trend of the report made to Government by Mr. Sethi who has recently gone round all the Provinces in order to examine how this Grow More Food Campaign is being carried on?

**Sir Pheroze Kharegat:** He went round primarily to get the targets fixed for the Provinces, and these targets show that it is possible to secure from the Provinces an increased production of 3.70 million tons per year, by the end of the five year period.

**Mr. Ahmed E. H. Jaffer:** May I know for how many years India will continue to rely on foreign imports and the approximate date when India will be self-sufficient of her own supplies?

**Sir Pheroze Kharegat:** I cannot answer that question, but as I have said before: if all the facilities that are required in the shape of money, men, material, priorities, etc. can be made available, there is no reason why India should not become self-supporting in the space of a period of from five to ten years.

**Sri V. C. Vellingiri Gounder:** With reference to part (c) of the question may I know what steps Government have taken, by way of the appointment of an Agricultural Machinery Bureau or any attempts in that line, to provide more agricultural machinery to the Provinces apart from the tractor?

**Sir Pheroze Kharegat:** Proposals have been put up and are at present under discussion with the Finance Department for the setting up of a Bureau for making tractors and other agricultural machinery available to Provinces either on sale or on hire as may be found suitable.

**Sri V. C. Vellingiri Gounder:** May I know how long the proposal will take to materialise?

**Sir Pheroze Kharegat:** That is beyond my power to say. It will depend on the necessary sanction from the Finance Department.

#### POSITION REGARDING CLOTH SUPPLY

1098. **\*Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable Member for Industries and Supplies please lay on the table of the House a statement on the present position of cloth supplies in the country?

(b) What is the cause of the present shortage of woollen cloth in the country?

(c) What measures do Government propose to take to stimulate the production of cloth and especially of woollen cloth in the country?

(d) Are Government aware that the shortage of cloth is more serious now than at any time during the War?

**The Honourable Sri C. Rajagopalachari:** (a) and (b). As regards cotton cloth, I would refer the Honourable Member to my reply to question No. 340 asked by the Honourable Shri D. P. Karmarkar on 17th February 1947. The only shortage is in respect of the finer types of light-weight woven woollen goods which are worn by the well-to-do. India's production of these types is not enough to meet requirements, and imports are at present inadequate to fill up the deficiency.

(c) As regards stimulation of production of cotton cloth, I would refer the Honourable Member to my reply to question No. 340 asked by the Honourable Shri D. P. Karmarkar on 17th February 1947. As regards woollens, the Government of India have arranged for the import of about 98,000 spindles.

(d) As regards cotton cloth: Yes, Sir. As regards woollen cloth: No, Sir.

**Mr. Manu Subedar:** Will the Honourable the Supply Minister give information to this House as to the probable quantity of cotton cloth which is coming to this country from Japan in interchange for cotton supplied to Japan?

**The Honourable Sri C. Rajagopalachari:** I do not think figures can be ready now, Sir, but in course of time if I am reminded I shall try to get them.

**Prof. N. G. Ranga:** May I know if no effort is being made to get cotton yarn instead of cotton cloth from Japan in exchange for our cotton in view of the fact that our handloom weavers want yarn and not cotton in this country?

**The Honourable Sri C. Rajagopalachari:** There is no question of exchange for the cotton, Sir, but I may just mention to the Honourable Member that a certain quantity of yarn has been offered by the American authorities from Japan at a very high price.

**Mr. Vadilal Lallubhai:** Is it a fact that 300 million yds. of yarn are coming from Japan?

**The Honourable Sri C. Rajagopalachari:** Notice, Sir.

#### IMPURE SUPPLY OF MILK

1099. **\*Mr. Ahmed E. H. Jaffer:** (a) will the Secretary of the Department of Agriculture be pleased to place on the table of the House a full report of the investigation conducted by Mr. Pepperall, the Chief Regional Officer of the British Milk Marketing Board who conducted an enquiry last year into India's Dairy Industry?

(b) Are Government aware that Mr. Pepperall declared in his Report that "London's sewage was three times as safe to drink as milk supplied by dealers in Bombay, Calcutta and other cities in India"?

(c) Do Government propose to consider the desirability of introducing legislation on the question of Milk Supplies to the people and recommend similar legislation in the Provinces?

(d) Do Government propose to consider the desirability of establishing similar institutions for the supply of pure milk as those obtaining in the cities in the west for safeguarding the health of the people?

(e) Are Government aware that over 90 per cent. of the illness of expectant mothers and children in India are due to impure supplies of milk?

**Sir Pheroze Kharegat:** (a) A copy of the report is in the library of the House.

(b) There is no such declaration in his report. But a statement to this effect was made by him orally, which was dealt with in my reply to part (c) of question No. 146, asked by Mr. Manu Subedar, on the 11th February, 1946.

(c) No specific legislation has been recommended by Mr. Pepperall. Legislation for the prevention of adulteration already exists in all Provinces.

(d) It has been suggested to provinces that they should take suitable steps for the prevention of adulteration on the one hand and for increasing the milk supply on the other. Help is given to Provinces for the establishment of dairies and for improving the milk supply.

(e) Government have no specific information as to the extent of illness among expectant mothers and children in India on account of impure milk but they are aware of the fact that there is a considerable amount of under nutrition due to lack of adequate protective foods including milk.

**Seth Govind Das:** Are the Government aware that the deficiency in the supply of milk is also due to the indiscriminate slaughter of cows and buffaloes and does the Honourable Member know that though the age limit has been fixed for the slaughter, yet those instructions are not followed in the provinces?

**Sir Pheroze Kharegat:** Definite restrictions have been laid down in most of the provinces. The enforcement of those restrictions rests with the Provincial Governments.

**Shri Mohan Lal Saksena:** What is being done in the Centrally administered areas in respect of the prevention of the slaughter of cattle?

**Sir Pheroze Kharegat:** I believe the same restrictions which are applicable in other provinces apply to Ajmer-Merwara and I think they are also applicable in Coorg. I am not sure whether there are any restrictions in Delhi, because Delhi follows what the Punjab usually do.

**Sri V. C. Vellingiri Gounder:** What does dairy industry mean? Does it mean that skimmed milk powder from foreign countries is converted into milk by industrial process?

**Sir Pheroze Kharegat:** No, Sir. Dairy industry really refers to the maintenance of dairy farms at which milk is produced in the country and then made available if necessary after pasteurisation to those who need it.

**PRIORITY OF SUPPLY OF PUMPS, MOTORS AND AGRICULTURAL IMPLEMENTS TO P. S. G. CHARITABLE AND INDUSTRIAL INSTITUTE, COIMBATORE, MADRAS**

**1100. \*Sri R. Venkatasubba Reddiar:** Will the Secretary of the Department of Agriculture be pleased to state:

(a) if Government are aware that one P.S.G. Charitable and Industrial Institute, Coimbatore, Madras Presidency, who were producing pumps, motors and agricultural implements has given notice of closing their business from 1st February, 1947 for want of coal and pig iron;

(b) if Government have considered the question of giving them priority for supply of those two materials as part of the "Grow More Food Campaign"; and

(c) if Government propose to consider the desirability of instructing other engineering concerns in British India to give preference to the production of pumps, motors and other agricultural implements for some years?

**Sir Pheroze Kharegat:** (a) Yes.

(b) A statement showing the quantities of pig iron, and steel of various categories supplied and allocated to the firm is placed on the table. A monthly quota of one wagon of Hard Coke and one wagon of Steam Coal has been sanctioned for the firm by the Provincial Coal Controller, Madras. In a letter dated 7th December 1946, to the Government of India, the firm explained their difficulty with regard to restricted supplies of coal. The Provincial Coal Controller, Madras, was asked to give the firm all possible assistance considering the important nature of the work done by them.

The difficulties on account of restricted supplies have not been peculiar to this firm alone. In fact all industries in South India have equally suffered by the short supplies of Coal and pig iron resulting from the acute wagon

shortage in the Bengal and Bihar coal-fields coupled with the poor shipping despatches owing to strikes at the Calcutta Docks as also due to booking restrictions to South India owing to floods.

(c) Government are encouraging firms to make all possible efforts to augment the existing capacity and establish additional capacity for pumps, motors and agricultural implements.

STATEMENT  
*Pig Iron*

Indent Number	Quantity demanded (Wagonloads)	Quantity supplied to the firm
(i) No. C/SP/1173/46. dated 24th September 1946 on Tatas	6	5 wagons despatched on 11th January 1947. 1 wagon despatched on 24th January 1947.
(ii) No. C/SP/1638/46, dated 25th December 1946 on Tatas.	12	6 wagons despatched on 10th February 1947. 3 wagons despatched on 12th February 1947. 1 wagon despatched on 13th February 1947. 1 wagon despatched on 14th February 1947. 1 wagon despatched on 17th February 1947.
(iii) No. 201, dated 17th June 1946 on Indian Iron & Steel Co., Ltd., Bombay.	3	3 wagons despatched on between 23rd January 1947 to 4th February 1947.
(iv) No. 214, dated 28th August 1946 on Indian Iron & Steel Co., Ltd., Bombay.	12	3 wagons despatched on 26th February 1947 (out of the balance 9 wagons, 4 wagons were to be despatched in early March).

*Steel*

In addition to the pig Iron mentioned above the following quantities of steel in various categories have been allocated to the firm for periods I and II of 1947:—

For manufacture of	Period I/47	Period II/47
	(Tons)	(Tons)
(i) Sugar Mill Machinery . . . . .	13.8	8.0
(ii) Textile Machinery . . . . .	26.05	16.0
(iii) Power-driven Pumps . . . . .	4.1	4.0
(iv) Rice, Dal, Flour Mill Machinery . . . . .	6.525	8.0
(v) Agricultural Implements . . . . .	27.1	22.0
(vi) Electric Motors . . . . .	26.75	16.8
Total . . . . .	104.325	74.8

**Sri R. Venkatasubba Reddiar:** May I know whether the Institute referred to in part (a) of the question has closed its business from 1st February 1947 for want of coal and pig iron?

**Sir Pheroze Kharegat:** I have no information on that point.

**Sri V. C. Vellingiri Gounder:** In view of the difficulty of wagon transport in the Southern part of the Madras Presidency, will not the Government consider a certain amount of priority being given to transport this iron in the province?

**Sir Pheroze Kharegat:** Priority is being given to such transport. I think the House will remember that a Bill was introduced and has been passed recently in order to ensure this priority continuing in the future also.

#### RATIONED FOODSTUFFS IN NEW DELHI

**1101. \*Shri Sri Prakasa:** Will the Secretary of the Food Department be pleased to state:

- (a) the names of various food-stuffs which are rationed in New Delhi;
- (b) the amount of ration permitted to each individual;
- (c) if there is any rationing in meat; and
- (d) if rationed grain is permitted to meat-eaters in the same quantity as to vegetarians?

**Mr. K. L. Panjabi:** (a) Rice, wheat, wheat products, maize, barley, gram and sugar; also gram *dal* and *besan*.

(b) The daily cereal group ration for an adult is six chhataks and that for a child is three chhataks. Persons classified as heavy manual workers get an extra two chhataks daily. In addition two chhataks of gram *dal* and/or *besan* are given weekly to an adult and half of it to a child. The size of the sugar ration is four chhataks per head (whether adult or child) weekly.

(c) No, Sir.

(d) Yes, Sir.

**Shri Sri Prakasa:** Could the Honourable Member tell us whether servants in private houses are classed under manual labourers entitled to an extra amount or not?

**Mr. K. L. Panjabi:** Domestic servants are not classed as manual labourers.

**Shri Sri Prakasa:** In view of the fact that servants require a larger quantity of food than their masters, could the Honourable Member consider the desirability of classing them under manual labourers and giving them an extra amount? Otherwise what happens is that they eat up all our food and we have very little left for ourselves.

**Mr. K. L. Panjabi:** The classification of manual labourers is restricted to those doing heavy work. I am afraid domestic servants are not eligible for this classification.

**Mr. N. M. Joshi:** May I ask if lump sugar which is consumed by the rich people is not rationed? And if it is not rationed, has the Government of India any other object except to benefit the wealthier classes?

**Mr. K. L. Panjabi:** It is true that lump or cube sugar is not rationed.

**Prof. N. G. Ranga:** Why is it so?

**Mr. K. L. Panjabi:** The production is under six hundred tons only.

**Lala Deshbandhu Gupta:** Is it a fact that for people in the rural areas only one chhatak of sugar is allowed?

**Mr. K. L. Panjabi:** In the rural areas the sugar ration is usually smaller than in urban areas. They have their *gur* available.



**Lala Deshbandhu Gupta:** Have Government received any representation from the rural areas that the sugar ration should be increased?

**Mr. K. L. Panjabi:** I must require notice of that.

**Mr. N. M. Joshi:** May I ask whether it is the intention of Government to ration lump sugar also?

**Mr. K. L. Panjabi:** No, Sir.

**Shri Sri Prakasa:** With reference to the Honourable Member's reply to part (c) of the question, may I ask if in view of the fact that meat is not a vegetable but is taken in lieu of rice and wheat, the Honourable Member will consider the desirability either of rationing meat or of giving an extra amount of wheat and rice to vegetarians?

**Mr. K. L. Panjabi:** I have already replied to the latter part of the Honourable Member's question. I said that we cannot increase the ration for vegetarians. As regards the suggestion that meat should be rationed, I am afraid it is not practicable.

**Sreejuti Bohini Kumar Chaudhuri:** In view of the fact that the ration of rice which is given to persons coming from Bengal and Assam is quite inadequate, may I know if rice is available in the black market here?

**Mr. President:** The question is restricted to New Delhi only.

**Shri Sri Prakasa:** Could the Honourable Member explain to us as to why it is not practicable to ration meat? Is it not a fact that it is easier to count animals that are going to be slaughtered for food than the amount of wheat and rice that can be sold?

**Mr. K. L. Panjabi:** It will take too long to explain the difficulties of rationing meat, but may I point out that vegetables are also not rationed.

**Shri Sri Prakasa:** Why should we, vegetarians, suffer from the difficulties of Government?

**Mr. President:** The Honourable Member is now entering into argument.

**Shri Sri Prakasa:** You, Sir, should have sympathy with me.

**Seth Govind Das:** Is it not a fact that meat is rationed in the United Kingdom and in so many other countries?

**Mr. K. L. Panjabi:** Meat is rationed in the United Kingdom.

**Seth Govind Das:** Then why can it not be rationed here?

**Mr. President:** Order, order: it is obvious. Next question.

#### LIFTING OF CONTROL ON CLOTH

1102. \***Shri Sri Prakasa:** Will the Honourable Member for Industries and Supplies be pleased to state:

- (a) how long control on cloth is likely to last;
- (b) if Government have received representations that control on cloth should be lifted;
- (c) if Government have received reports that the Indian mills can actually produce more cloth, but are unable to do so because of various legal restrictions; and
- (d) if Government propose to examine the situation and enable the mills to produce more cloth?

**The Honourable Sri C. Rajagopalachari:** (a) and (b). Government have received representations mostly from dealers that control should be lifted. As soon as there are indications of public confidence that the trade will play the game and that they will get the cloth they require in all areas at reasonable prices inspite of the gap between demand and production, the control over distribution will be discontinued.

(c) The question is not clear but if the reference is to restrictions by way of regional distribution on prescribed quotas it cannot affect production. If the reference is to statutory restrictions on hours of work, the matter has been dealt with more than once in the House.

(d) Yes Sir.

**Shri Sri Prakasa:** With reference to the Honourable Member's reply to part (c) of the question, has he examined the statement made by Mr. Vadilal in the House the other day that mills have actually pulled up if they tried to produce more cloth?

**The Honourable Sri C. Rajagopalachari:** No, Sir. If any mills produce more cloth, I propose to give them rewards.

**Lala Deshbandhu Gupta:** Is the Honourable Member aware of the fact that some of the Indian States are receiving much more rationed cloth than the British area and regular trade is going on in those States? People can get at least three times more than what they can get in Delhi or other places in British India?

**The Honourable Sri C. Rajagopalachari:** I should like specific information on which I can make inquiries. I cannot assume that all this is going on in the Indian States.

**Shri Sri Prakasa:** With reference to the Honourable Member's reply to parts (a) and (b) of the question, could he explain to us the phenomenon that anybody who wants cloth can get it in any quantity he likes from underground?

**The Honourable Sri C. Rajagopalachari:** If that were so, there would be no complaint at all. I cannot accept that fact, namely, that anybody can get any amount of cloth by digging the earth.

INSTRUCTIONS TO POST OFFICES *re* UNCLAIMED INTEREST DUE TO MUSLIM DEPOSITORS

**1103. \*Mr. Ahmed E. H. Jaffer:** Will the Secretary of the Communication Department be pleased to state:

(a) whether Government have issued instructions to all the Post Offices in India to keep accounts of amounts in respect of unclaimed interest due to the Muslims who refuse to accept interest on religious grounds; and

(b) the amount of interest so far accrued in all the post offices throughout India during the year 1946?

**Mr. Masarrat Husain Zuberi:** (a) Yes, Sir. Instructions have been issued to Audit Officers to make arrangements for keeping separate accounts of interest foregone by Muslim depositors on their Savings Bank accounts beginning from the year 1946-47.

(b) Interest on Savings Bank accounts is calculated at the end of each financial year. The figure for 1946-47 are not yet available.

**Shri Sri Prakasa:** Are persons who deposit their money in post offices asked whether they would take any interest or not?

**Mr. Masarrat Husain Zuberi:** They have to intimate themselves.

**Prof. N. G. Ranga:** Will any effort be made to offer such people for such an exemplary behaviour some rewards?

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

## SEPARATE PANELS FOR GROUPS OF INDUSTRIES.

†1104. \*Sri A. K. Menon: (a) Will the Honourable Member for Industries and Supplies be pleased to state whether there is a proposal to form separate panels for different groups of Industries under the guidance of the Director General of Industries and Supplies? If so, are soap and glycerine among such industries?

(b) In case such panels are formed, do Government propose to include therein representatives of Industrialists with technical knowledge?

(c) Is there a proposal to enforce a cut in the supply of caustic soda to soap manufacturers? If so, do Government propose to take steps to see that small manufacturers are not affected by such cuts?

**The Honourable Sri C. Rajagopalachari:** (a) 37 working committees have already been set up to maintain close liaison between the Director General and important Industries in the country. One of the Committees deals with the Soaps and Glycerine Industry.

(b) These Committees consist of technical experts and representatives of principal manufacturers selected with due regard to past performance, and potential capacity.

(c) Due to a recent fall in import it has become necessary to effect a cut on all industries consuming caustic soda, viz., Textiles, Paper, Vanaspati, Metal, Chemicals, etc. The requirements of caustic soda are at present far in excess of what is available by way of imports and local production. A cut has also been imposed on soap-manufacturing units both big and small. The most efficient utilisation of such quantities of caustic soda as are available has to be kept in mind.

DISTRIBUTION OF CEYLON COCONUT OIL TO SOAP MANUFACTURERS THROUGH  
MESSRS. TATA AND COMPANY

†1105. \*Sri A. K. Menon: (a) Will the Honourable Member for Industries and Supplies be pleased to state whether it is a fact that the distribution of Ceylon coconut oil to soap manufacturers is effected through Messrs. Tata and Company?

(b) Have Government obtained the opinion of the Indian Central Coconut Committee on the matter? If so, do Government propose to place a copy of it on the table of the House?

(c) What is the final decision arrived at by Government on this subject in the light of the above opinion?

**The Honourable Sri C. Rajagopalachari:** Messrs. Ganesh Khopra Mills, Karachi, act as Government's agents for the distribution of Ceylon copra and coconut oil to the Punjab, Sind, N.-W. F. P. and Baluchistan; and Messrs. Tata Oil Mills as regards Madras, Bombay and Bengal.

Government have considered a resolution passed by the Indian Central Coconut Committee on the subject at its fourth meeting held in October last. The Committee was constituted under the Indian Coconut Committee Act of 1944 for the improvement and development of coconuts in India and not for the regulation of the distribution of coconuts or coconut products imported from abroad. Coconut oil is in very short supply, and is likely to continue so, inasmuch as there is no likelihood of indigenous production plus imports coming upto the country's essential needs for some years. A small quantity of Ceylon copra and coconut oil is being imported on Government account under a purchase made from H.M.G. Similar allocations may possibly be made by the U.S.A. The Central Government is directly responsible for such transactions and for the distribution of any commodities so acquired. On all grounds it is not practicable to entrust the distribution of imported copra and coconut oil to the Indian Central Coconut Committee.

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

**RESTRICTION ON WAGON FACILITIES FOR TRANSPORT OF BETEL-LEAVES FROM TIRUR IN MADRAS**

†1106. \*Sri A. K. Menon: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that representations have been received from betel-growers of Malabar to the effect that consequent on the wagon facilities for transport of betel-leaves from Tirur and other places having been restricted recently they have to suffer great losses; and

(b) if so, whether Government propose to afford better facilities for them in the matter?

**The Honourable Dr. John Matthai:** (a) Yes, Sir.

(b) The Railway Administration reports that arrangements are in hand to provide suitable stock with the assistance of the M. & S. M. and G. I. P. Railways for the transport of betel-leaves traffic since the number of Parcel Vans which can be spared on the South Indian Railway for this traffic is limited.

**PROVISION OF ADDITIONAL SECOND AND INTER CLASS ACCOMMODATION ON THROUGH TRAINS ON M. AND S. M., G. I. P. AND N. W. RAILWAYS**

1107. \*Sri R. Venkatasubba Reddiar: Will the Honourable Member for Railways please state:

(a) whether Government are aware that for the past 12 months, most of the 1st class compartments in trains on the main railway lines in India are running empty except for a few pass-holders and the like, owing to the popularity of air travel;

(b) whether Government are aware that the second class compartments are over-crowded and that railway officials refuse to accommodate surplus 2nd class passengers in empty 1st class compartments;

(c) whether Government propose to take steps for increasing the number of second class berths and for adding one more intermediate class bogie on all through trains on the Madras and Southern Marhatta, Great Indian Peninsula and North Western Railways; and

(d) whether Government propose to take steps to attach one full inter class bogie to all the principal trains on the South Indian Railway and the Madras and Southern Marhatta Railway at least from the 1st April; if not, why not?

**The Honourable Dr. John Matthai:** (a) No Sir. On the contrary enquiries made from the Railways show that the first class accommodation on main line trains is being fully utilized on almost all Railways.

(b) On some Railways second class compartments like other compartments are over-crowded. Passengers cannot be permitted to travel in a higher class than that for which they have paid the fare.

(c) Second class accommodation on 35 Up and 36 Down Delhi-Lahore Expresses and 75 Up and 76 Down Dehra Dun Expresses between Lahore and Ambala on the N. W. Railway has recently been increased. No increase in second or inter-class accommodation on other through trains on the N.W., M. & S. M. and G. I. P. Railways is possible at present as they are running with the maximum permissible loads.

(d) From information available it is clear that for want of stock and room on trains the S. I. and M. & S. M. Railway Administrations are not in a position to provide a full inter class bogie carriage on all their principal trains. Government consider therefore that the issue of instruction as suggested by the Honourable Member would not be feasible.

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

**Prof. N. G. Ranga:** When will Government implement their recent decision to abolish the first class?

**The Honourable Dr. John Matthai:** That question has got to be finally decided in consultation with the Standing Finance Committee for Railways as regards the financial implications of the proposal.

**Sri V. C. Vellingiri Gounder:** There are three trains running between Madras and the West Coast and in spite of that only seating accommodation is provided at night in the Blue Mountain Express. Will the Railway Department provide sleeping accommodation also in the Blue Mountain Express?

**The Honourable Dr. John Matthai:** It will be possible to provide that if we are able to get more coaching staff.

**Shri Sri Prakasa:** In view of the fact that equal numbers of first and second class compartments are provided in trains and in view further of the fact that more second class passengers travel than first class passengers, will the Honourable Member take steps to provide more second class compartments than first class ones?

**The Honourable Dr. John Matthai:** It is not possible to reduce first class accommodation at present, because, as I told the House, the present accommodation is utilised fully, so that the only way to meet the situation is by increasing second class coaches. That, again, raises the question of the availability of coaches.

**Prof. N. G. Ranga:** In the meanwhile, Government should stop further construction of new first class coaches pending their decision.

**The Honourable Dr. John Matthai:** Yes, that is so. The question of increasing the number of coaches corresponding to the present classification has got to be considered in the light of that decision.

**Shri Sri Prakasa:** May I know what exactly is the Honourable Member's idea about the 'fullness' of a first class compartment and the 'fullness' of the other classes?

**The Honourable Dr. John Matthai:** Since I got notice of this question, we sent an enquiry to the principal railways in the country and the reports that I have received have convinced me that first class accommodation is being utilised fully, and when I say "fully", it means just fully.

**Sri R. Venkatasubba Reddiar:** Will the Honourable Member verify the answer that he gave to part (a) of the question by travelling in one of the trains himself?

**The Honourable Dr. John Matthai:** I have done so.

#### COORDINATION WITH STATES IN CIVIL AVIATION

**1108. \*Pandit Sri Krishna Dutt Paliwal:** Will the Secretary of the Communications Department be pleased to state:

(a) whether Government propose to establish an All-India Board with consultative and advisory functions in matters of civil aviation to ensure co-ordination between the States and the rest of India; and

(b) the progress made so far in connection with the organisation of the Civil Aviation Training Centre?

**Mr. Masarrat Husain Zuberi:** (a) The question of setting up an All-India Civil Aviation Board is under the consideration of the Government of India.

(b) It is proposed that the Civil Aviation Training Centre will comprise four schools, *viz.*, the Radio School, the Aerodrome School, the Flying Training School and the Aeronautical Engineering and Mechanics School. Of these the first two have been functioning for about three months and are now

engaged on giving training to subordinate technical personnel urgently required for the Civil Aviation Directorate. It is hoped to start the Flying Training and Aircraft Engineer and Mechanics Schools later in 1947.

**Prof. N. G. Ranga:** Will this Board consist of only technical men or also non-technical people sit on this Board?

**Mr. Masarrat Husain Zuberi:** Both, because it will be concerned both with technical matters and general policy matters.

**Lala Deshbandhu Gupta:** Where is the training centre located?

**Mr. Masarrat Husain Zuberi:** We have started it temporarily in Saharanpur.

**Prof. N. G. Ranga:** Will the Government consider the advisability of seeing that the users as well as this House will be properly represented on that Board?

**Mr. Masarrat Husain Zuberi:** The question of constitution of the Board was discussed at the Civil Aviation Conference convened last month by the Honourable Member for Communications and the various proposals put forward are under consideration.

### (b) WRITTEN ANSWERS

#### CONSTRUCTION OF STABILISED EARTH ROADS

**1109. \*Pandit Sri Krishna Dutt Paliwal:** Will the Honourable Member for Transport be pleased to state:

(a) whether stabilised earth roads have been constructed so far anywhere in the country; and

(b) the approximate cost of such roads per mile and the period of their life?

**The Honourable Dr. John Matthai:** (a) 25 miles of stabilised earth roads were constructed in the Punjab in 1944-45 and another 32 miles are being constructed. The Punjab Government have programmed for the construction of a further 112 miles. Very little construction of this type of road has so far been done elsewhere in India.

(b) The average cost of the experimental work was about Rs. 8,300 per mile in the first stretch of 25 miles and Rs. 8,800 per mile in the second.

As the work is still experimental, the serviceable life of this type of construction in India is not known. Under light traffic and the particular climatic conditions obtaining, the roads constructed in the Punjab in 1944-45 have so far stood fairly well.

#### MUSLIMS IN THE SECTION ESTABLISHMENT OF DIRECTOR GENERAL, INDUSTRIES AND SUPPLIES

**1110. \*Mr. Ahmed E. H. Jaffer:** Will the Honourable Member for Industries and Supplies please state:

(a) whether it is a fact that the Establishment of the Directorate General of Industries and Supplies is split up into eleven Sections, viz., AE 1, to AE 7, Central Administration, CCPM, DGMP, and Calcutta Cells;

(b) whether it is a fact that out of the eight Superintendents for these eleven sections there is no Muslim; if so, the reasons therefor;

(c) whether it is a fact that there is no Muslim in the DGMP Cell; if so, the reasons therefor; and

(d) whether it is a fact that in the Calcutta and CCPM Cells there are only 1 and 2 Muslims respectively in the lowest grade; if so, why no Muslim has been posted in higher grades in these cells?

**The Honourable Sri C. Rajagopalachari:** (a) There are 18 Administration Sections and Cells in all.

(b) Twelve of these sections are in the charge of Superintendents, of whom three are Muslims.

(c) and (d). There is no Muslim at present in the D. G. M. P. Cell. It is not possible to provide for Communal representation in each section and cell. No significance attaches to the number of persons of a particular community in particular section.

#### RESERVATION OF HESSIAN FROM BENGAL FOR IMPLEMENTING THE INDO-ARGENTINE AGREEMENT

1111. **\*Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable Member for Industries and Supplies please state what price Government are prepared to pay for hessian from Bengal to be reserved for implementing the Indo-Argentine agreement?

(b) Have Government received any representations from Bengal Commercial bodies protesting against the rates quoted by Government as being far lower than prevalent prices?

**The Honourable Sri C. Rajagopalachari:** (a) and (b). This matter is now before the High Court in Calcutta. As difficulties arose in obtaining possession of the Hessian from the parties in possession pending decision of the Court, the recent Ordinance was issued to enable the Government of India to meet its obligations under the Indo-Argentine Agreement. The Ordinance provides for payment in accordance with the Court's decision. The matter is *sub judice*.

#### PRICE OF COCONUT OIL AND COPRA

1112. **\*Sri A. K. Menon:** (a) Will the Honourable Member for Industries and Supplies be pleased to state whether Government are aware of the great discontent that prevails among the growers of coconuts and producers of coconut oil and copra on account of the inadequacy of the prices fixed for these commodities by Government? If so, do Government propose to conduct an investigation and see that the growers and the producers get proper prices?

(b) Are Government aware that owing to defective control, consumers are unable to obtain coconuts and their products in markets as freely as before the control was introduced?

(c) In view of the fact that other oils are de-controlled, do Government propose to consider the advisability of removing controls over copra and coconut oil also?

**The Honourable Sri C. Rajagopalachari:** (a) Government have received representations from certain quarters on the subject, but on examination it is found that the growers and producers have no legitimate grievance in the matter of prices of copra and coconut oil fixed by Government. The trouble seems to be traceable to weakness of control over smuggling through Travancore. The question of fixing the prices of coconuts has been left to the Governments of Provinces and States concerned. It is understood that the Madras Government have fixed Rs. 125 per thousand nuts as compared with an average price of Rs. 27/10/- per thousand nuts during the ten years ending 1942-43. The control price of copra now works out to 700, that is to say, roughly double the index number for rice and wheat. Prices of coconut oil at Cochin in April 1938 and 1939 were Rs. 61 and Rs. 58/8 per candy. The controlled price now is Rs. 310 per candy. As the prices in all cases are far in excess of the pre-war prices, no special investigation is considered necessary.

(b) Government have been told by a deputation from Cochin that this is so.

(c) Copra and coconut oil are in a special category both because these are largely used for industrial purposes unlike other edible oils, and also because coconut oil is the only oil at present imported into India. The present controls

of coconut oil and copra carry with them a guarantee of minimum prices, which growers appreciated until other oils were decontrolled and prospects arose of securing further and unlimited higher prices than at present. The Government have invited the views of the Governments of Madras, Travancore, Cochin and Mysore as to how the existing coconut oil and copra controls are working in their respective areas and what effect the recent decontrol of other oils is having on coconut oil. The question of decontrolling these commodities will be considered in the light of their views.

## RECOMMENDATIONS OF THE MILK MARKETING ADVISER

**1113. \*Pundit Thakur Das Bhargava:** With reference to the reply to my starred question No. 222 asked on 12th February 1947, regarding the recommendations contained in the report of Mr. Pepperall, Milk Marketing Adviser to the Government of India, will the Secretary of the Department of Agriculture kindly state:

- (a) how far the scheme of salvage of dry cattle mentioned by him has progressed;
- (b) since when such a scheme is pending;
- (c) whether any action has been taken under the said scheme;
- (d) if so, how many cattle have been salvaged under the said scheme;
- (e) if the scheme has not yet emerged from the chrysalis state, how long it will take to give it a concrete shape;
- (f) what the contemplated cost of the scheme is;
- (g) whether any lands have been acquired under the said scheme; if so, how much and where; and
- (h) whether Government propose to lay on the table of the House a statement giving the complete outline of the scheme?

**Sir Pheroze Kharegat:** (a), (b) and (c). The scheme has been in operation in Bombay since August 1944, in Madras since November, 1944. It is expected that it will be brought into operation in Calcutta in April 1947.

(d) Bombay 33,000 a year, Madras 300 a year. Calcutta propose to salvage 500 a year.

(e) Does not arise.

(f) The actual expenditure in 1945-46 was Rs. 8 lakhs in Bombay and Rs. 31,800 in Madras. It is proposed to spend Rs. 14 lakhs in five years at Calcutta.

(g) A statement is placed on the table.

(h) An outline of the Bombay scheme is placed on the table. Other schemes are along similar lines.

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*Statement*

**Bombay :**

The Bombay Government had established Farms at:—

- (1) Palghar for 300 cattle.
- (2) Jamner in East Khandesh for 1,000 cattle.
- (3) Kaley in the Panch Mahals District for 1,000 cattle (was likely to be closed).
- (4) Kedgaon in Sholapur District for 500 buffaloes (was to be established in 1946-47).
- (5) Pimpalgaon in Nasik District for 700 buffaloes (was to be established in 1946-47).

The Bombay Humanitarian League who are executing a part of this scheme have established salvage centres at Mehsana, Sidhpur and Patna in Baroda territory, at Chhapi in Palanpur State, at Kanjri in Kaira District, Viramgam in Ahmedabad District and at Bagalkot in Bijapur District.

**Madras :**

Madras Government have selected Kancha No. 40 of the Kambakkam Reserve Forest, Ponneri Taluk Chingleput District. The Kancha is about 1,700 acres in area.

**Calcutta :**

The Bengal Government propose to acquire 1,000 bighas land from a Zamindar at Mouza Chuadanga in District Nadia.



## OFFICE OF THE MILK COMMISSIONER

GOVERNMENT OF BOMBAY

*Note on action taken by Government of Bombay regarding salvage of milch cattle from Bombay City and Suburbs*

*Conditions under which milch cattle are kept.*—The milk supply of Bombay City and suburbs is obtained mainly from about 19,000 buffaloes kept in the City and about 32,000 in the suburbs. The number of cows in the City and suburbs is only 850 and 1,950 respectively. Due to high cost of maintaining cattle, stable rent, wages, etc., only good quality milch cattle are required for the purpose of production of milk and they are imported mainly from the Punjab, the Punjab States, Delhi Province, United Provinces, Kathiawar and Gujarat.

2. The conditions in which these animals are kept are, however, far from satisfactory and especially in the suburbs (in several cases) appalling. This is inevitable so long as the system of keeping milch cattle in a congested city like Bombay prevails. Most of the stables are so constructed and the facilities are so poor that it is almost impossible to keep them clean even if the occupiers wished to do so. Hardly any space exists for exercise and the cattle have to spend their entire period of lactation in the limited space where they are tethered. The animals have to be stall fed and the tendency is to overfeed them so as to get as much milk out of them as possible. How far overfeeding helps the object is not definitely known. Excepting for 2 or 3 months of the monsoon, no green grass is fed to the cattle. Feeding of salt in the ration is done by only a few. All these unnatural conditions ultimately tell upon the utility of the animals in the subsequent lactations.

3. More than half of the milch cattle in the city and suburbs are owned by persons whose resources are very slender and who are uneducated. Large cattle owners are very few. This is another reason why the care of the cattle or the production of milk is not based on any scientific or long range considerations. Although exact information is not available, it is not unlikely that the cattle are also subjected to the malpractices, e.g., Phuka, etc., to extract the last drop of milk out of them. The majority of the cattle owners are indifferent towards calves and purposely allow them to die of starvation so that they may be able to sell all the milk given by the buffalo. It is significant, however, that they look after the calves of cows and rear them properly. This is perhaps due to the very small number of such calves (concerned).

4. Upto about 2 years ago, the majority of the owners, used to sell their dry buffaloes to butchers and replenish their stock every ninth or tenth month with fresh buffaloes, as this method was said to be cheaper. Sending them out to suitable places for refreshing and incurring expenditure on their maintenance during the dry period was done only by a few who had grazing lands near Bombay.

5. Due to restrictions on the export of buffaloes from other Provinces and States, however, the replacement of dry buffaloes by fresh ones has become very difficult. The Punjab (including the Punjab States) which used to provide over 2,500 buffaloes per month, and which represented 25 per cent. of the total imports, now allows only 1,000 animals per month. Baroda State has altogether banned the export of fresh buffaloes. The U. P. Government has fixed a quota of only 300 milch cattle per month, for export to this Province. Ahmedabad and Kaira Districts altogether allow 550 cattle per month for Bombay and Bombay Suburban District. Thus the animals now available replace only about 35 per cent. of the buffaloes going dry each month.

6. *Measures taken by Government.*—In the circumstances explained above, the only way to maintain the production of milk at a satisfactory level is to salvage as many dry buffaloes as possible, and this has been taken in hand on an extensive scale for the last 18 months. Steps have also been taken to prohibit the slaughter of calves throughout the Province which are likely to make useful draft and milch animals and also of cows and bullocks which are still serviceable for breeding purposes or as draught animals. The number of buffaloes allowed to be slaughtered at Bandra and Kurla slaughter houses, which usually receive dry buffaloes from Bombay has been restricted to only 228 buffaloes per week against 410 per week in the past.

7. A special order known as the Bombay She Cattle (Bovines) Licensing and Maintenance Order, 1944 has also been promulgated in the City and suburbs, since October 1944. Under this Order, each cattle owner or stable keeper is required to obtain a licence to keep milch cattle and to report any variation in the number of his cattle to the Licensing Authority. Imports of fresh milch cattle are regulated by the issue of import permits against the quota allowed from the various provinces. Import permits are issued to the cattle owners after taking into consideration the number of their cattle going dry, number of cattle salvaged by them in the past and the number of salvaged cattle returned. One of the conditions for the grant of these import permits is that the imported animals shall not be sold for slaughter when they go dry but shall be salvaged.

8. *General details of salvage work.*—Salvage of dry animals is being done by establishing salvage centres departmentally and through the agency of the Bombay Humanitarian League, with Government subsidy. A Government farm or centre has been opened at Palghar for about 300 cattle and another farm at Jamner (East Khandesh District) is expected to be started before December, 1945. The Humanitarian League has organised its centres at Nar, Mehsana, Sidhpur and Patan in Baroda State, Chhapi in Palanpur State, Kanjri in Kaira District, Virangaum in Ahmedabad District and at Bijapur and Alibag (Koliaba District). In addition, the centre for about 1,000 cattle organised by the League at Kalol in the Panch Mahals District is being continued under the supervision of the staff appointed by Government and a new centre will be started at Kedgaon in the Sholapur District for about 500 cattle and also under Government supervision.

9. Two distinct methods are adopted in dealing with salvage of cattle :—

(i) *When salvaged on Government farms.*—Suitable buffaloes in calves are selected through the assistance of an experienced 'Dalal' (Broker) who is paid at the rate of Rs. 5 per buffalo, as his fees. The price is negotiated by the Dalal, which works out at an average of Rs. 250 per animal. Thereafter the animals are sent to the Veterinary College, Bombay for testing them for contagious abortion and if they are found to be free from it, they are branded on the horns and are taken over and railed to Government farm at Palghar 54 miles from Bombay.

10. The maintenance expenditure works out to about Rs. 30 per animals per month and normally they have to be maintained for about 5 months before they calve again.

11. Immediately before or after calving the animals are brought back to Bombay where they are sold, not necessarily to the previous owners, through the same Dalal, at an average of Rs. 450 each. Approximately, 550 acres of grazing land is attached to the farm at Palghar.

12. (ii) *When salvaged through the Bombay Humanitarian League.*—To a small extent the League also follows the above method of purchasing the animals outright and re-selling them after they are freshened but generally speaking it takes animals as "boarders" for salvaging them. It has its own staff for selecting the animals and after they have been tested at the Veterinary College they are despatched to the various centres where the League has arranged with suitable private parties who own land to keep the animals. Sometimes, they are distributed (one or two animals each) to a number of cultivators.

13. When the animals freshen, they are brought back to Bombay and are handed over to their owners. The cost to the owners of maintaining their dry cattle at the salvage centre amounts to Rs. 12 to Rs. 15 per month per animal. All expenses on transport and supervision of the scheme through the League Staff, are shared between the League and Government. For deaths in the cattle, the proportion of which roughly works out to about 8 per cent., the owner is entirely responsible. All the animals are suitably branded for identification.

14. For the salvage schemes through departmental farms and through private agencies, a sum of approximately Rs. 8,00,000 has been provided during the current year. This also includes organisation in Bombay for the administration of the She Cattle (Bovines) Licensing and Maintenance Order and for regulating imports of fresh buffaloes for salvage. Since these measures were introduced over 36,000 dry cattle from the City and suburbs were sent for salvage including those by the cattle owners who have their own salvage arrangements. Out of these about 10,900 have been already received back upto 30th September 1945. At present over 4,200 animals are at the Government farms or with the League Centres and the remaining with agents of cattle owners.

15. The main lesson learnt so far is that if salvaging is to be successful having regard to the artificial conditions in which the animals are kept for the whole period of lactation prior to salvaging, special feeding and care during the period of salvage are most essential. Cattle owners and others have an idea that salvaging should be done as cheaply as possible. The object seems to be just to keep the animal "alive" till she calves again. Although feeds are expensive, the cost is kept down to Re. 1 per day. The result is that a large number of animals are received back in rather poor condition and do not yield the expected quantity of milk after calving. These shortcomings are being looked into and it is hoped that in future the cost of salvaging would not be the *only* factor in judging the efficiency of the scheme.

16. *Calf Rearing Farm.*—Government have also under active consideration the starting of a calf rearing farm, near Bombay where about 1,000 buffalo calves taken over from the owners will be reared. There is a likelihood of obtaining good support and co-operation the progressive section of the trade, in the operation of the scheme.

BOMBAY CASTLE, BOMBAY;  
Dated 2nd November 1945.

## STOPPAGE OF EXPORT OF CATTLE

1114. \*Pundit Thakur Das Bhargava: Will the Secretary of the Department of Agriculture kindly state:

(a) whether Government have accepted the principle of the recommendation of Mr. Peperall in respect of stoppage of export of cattle from areas where they can thrive and be reared best and exporting milk from these areas;

(b) if the answer to part (a) be in the affirmative, the steps Government have taken to implement the said recommendation; and

(c) if the answer be in the negative, the reasons for the non-acceptance of the said recommendation and why Government regard the scheme of salvage more feasible?

**Sir Pheroze Kharegat:** (a) Mr. Pepperall, in his report, stated that "it would be a far better arrangement for the Punjab to retain its cattle and arrange instead to send evaporated milk in tins to Bombay or Calcutta rather than export cattle that are usually slaughtered within a few months and replaced at great cost". This recommendation concerns primarily the Punjab Government and has not been accepted by the Government of India.

(b) Does not arise.

(c) The recommendation cannot be accepted because (i) Government have no power now to restrict the export of cattle from one area to another; (ii) the manufacture of evaporated (condensed) milk on an extensive scale under Indian conditions is still in the experimental stage; (iii) the cost of such milk would be higher than that of ordinary milk and beyond the means of an average consumer; (iv) the restriction of the export of cattle even if permissible by law might be undesirable as adversely affecting the cattle breeding industry of the province, and (v) the slaughter of cattle can be prevented by salvage and the encouragement of the supply of milk to towns from nearby rural areas.;

DEARTH OF *Bhusa* AND COTTON SEED IN PUNJAB

1115. \*Pundit Thakur Das Bhargava: (a) Will the Secretary of the Department of Agriculture kindly state whether Government are aware that there is great dearth of *Bhusa* (cattle fodder) as well as cotton seeds in the Punjab?

(b) Have Government taken any special steps to relieve the situation by securing priority of transport and reducing freights of these articles to the famine affected areas?

**Sir Pheroze Kharegat:** (a) The Punjab had asked for the supply of 15,000 tons of cotton seed. Government have no information about that Province being deficit in *Bhusa*.

(b) The steps taken to ensure the supply of cattlefeeds in the country as a whole (primarily for the famine affected areas) are mentioned in my reply to question No. 784 asked by Mr. Paliwal on the 10th March 1947. In particular an allotment of 11,000 tons cotton seed was made to the Punjab. For movement by rail, cattlefeed and fodder are allowed Class I priority when sponsored by Government and Class II priority in other cases. The question of the reduction of freights is under consideration.

## COMPULSORY CULTIVATION OF FODDER CROPS

1116. \*Pundit Thakur Das Bhargava: (a) Will the Secretary of the Department of Agriculture kindly state whether Government have received any communications from the Bombay Humanitarian League and the Gosewa Sangh and other associations for undertaking legislation to provide for compulsory cultivation of fodder crops on a certain percentage of the area of their holdings by the cultivators?

(b) If so, have Government considered the advisability of undertaking such legislation or recommending the enactment of such measures by the Provincial Governments?

**Sir Pheroze Kharegat:** (a) Yes, Sir.

(b) It is not practicable or desirable for the Central Government to undertake such legislation.

**PROPAGANDA IN CINEMAS FOR MANUFACTURERS OF VANASPATI**

1117. **\*Pundit Thakur Das Bhargava:** (a) Will the Secretary of the Food Department kindly state what are the different ways in which Government help the manufacture of vanaspati (hydrogenated oil)?

(b) Do Government secure oil for the factories at controlled rates and secure priority of transport to the factories?

(c) Do Government make propaganda for the manufacturers of vanaspati in the cinemas and elsewhere?

(d) If so, what is the cost incurred by Government for such propaganda?

**Mr. K. L. Panjabi:** (a) Government assist the industry in procuring materials, the sale or import of which is controlled.

(b) Factories purchase their own oil. Under the basic plan for oils, quotas for vanaspati were separately ear-marked and in some instances recommended for priority of movement. Now that control over edible oils and oilseeds has been withdrawn, such assistance is not given.

(c) No, Sir.

(d) The question does not arise.

**ACTION OF BENGAL GOVERNMENT IN HOLDING UP CONSUMER GOODS IN TRANSIT TO ASSAM FROM OTHER PROVINCES**

1118. **\*Sreejut Rohini Kumar Chaudhuri:** (a) Will the Secretary of Food Department please state whether Government are aware that mustard oil, coconut oil, groundnut oil, wheat, cloth, salt, dal, corrugated iron sheets and other consumer goods which are sent to Assam from Provinces other than Bengal are being held up in Calcutta and not allowed to be sent to Assam unless export permit is obtained from the Bengal Government?

(b) If the reply to part (a) be in the affirmative, why and under what authority the Government of Bengal are doing so?

(c) In view of the extreme difficulties in getting supply of imported food stuffs and other essential goods in Assam, do Government propose to take early steps to see that goods booked from any Province to Assam is not interfered with, or stopped in transit by Bengal or any other intervening Province?

**Mr. K. L. Panjabi:** (a), (b) and (c). No transit permits are required for the onward despatch of consumer goods, corrugated iron sheets, mustard and ground nut oils, wheat and dhalls from Calcutta to Assam, nor for cloth despatched to Assam in through wagons from the stations of despatch via Calcutta. If transshipment of cloth is made at Calcutta, necessary permits are issued by the Provincial Government. Permits are similarly issued for the coconut oil allocated to Assam by the Central Government out of the quantity imported into Bengal. A ban is in force on the export of salt from Calcutta; Assam has a quota of 5,000 tons of salt from Bengal and shortfalls in despatches to Assam have occurred due to shortfalls in arrivals of salt ships in Calcutta. No complaints have however, been received from the Government of Assam about the alleged interference by the Bengal Government.

**CONSTRUCTION OF BROAD GAUGE RAILWAY LINE FROM PARBATIPUR TO GAUHATI**

1119. **\*Sreejut Rohini Kumar Chaudhuri:** (a) Will the Honourable Member for Railways be pleased to state whether Government are aware that the Bengal and Assam Railway line from Calcutta to Parbatipur is broad-gauge and that from Parbatipur to Assam is metre-gauge?

(b) Are Government aware that this change to Parbatipur from broad-gauge to metre-gauge is very inconvenient to the people of Assam, and causes a great deal of loss of time in the exportation of goods from Assam to Calcutta and other places and also causes damage to perishable commodities such as fruits, potatoes, etc., in the process of transportation?

(c) Have Government received a representation from the Government of Assam to construct a broad-gauge Railway line from Parbatipur to Gauhati? If so, what action, if any, has been taken with regard to that representation?

(d) What is the distance from Parbatipur to Bongaigaon on the Bengal and Assam Railway line and what will be the length of the projected railway line from Bongaigaon to Pandu, *via* Jogighopa and Goalpara?

**The Honourable Dr. John Matthai:** (a) Yes, Sir.

(b) Government are aware that passengers and goods have to be transhipped at Parbatipur due to change of gauge. In order to minimise delays and avoid damage in transit, investigations are in hand regarding the possibility of using 'containers' for transport of perishable goods such as fruits, potatoes, etc., from Assam to Calcutta.

(c) Government have recently received a representation for conversion of the existing metre gauge line from Parbatipur to Bongaigaon to broad gauge and constructing a broad gauge line from Bongaigaon to Pandu *via* Jogighopa and Goalpara. Government are not in a position to accept this proposal, as it would involve re-alignment, regrading and additional expenditure, which the construction of broad gauge entails. The metre gauge in Assam forms part of a larger metre gauge system which runs through the whole of Northern India and the conversion of Parbatipur-Bongaigaon section to broad gauge would create new transshipment stations at Kaunia, Teesta, Lalmanirhat, Gitaldah and Golakganj instead of a single transshipment at Parbatipur.

(d) The distance from Parbatipur to Bongaigaon is approximately 131 miles and the length of the projected railway line from Bongaigaon to Pandu will be approximately 114 miles.

#### CONSTRUCTION OF RAILWAY BRIDGE OVER BRAHMAPUTRA BETWEEN JOGIGHOPA AND GOALPARA.

**1120. \*Sreejut Rohini Kumar Chaudhuri:** (a) Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that the Government of India propose to construct a railway bridge over the Brahmaputra between Jogighopa and Goalpara and a railway line from Bongaigaon to Gauhati passing over that bridge; if so, whether Government propose to make this new railway line a broad-gauge one;

(b) whether it is a fact that the survey for constructing the bridge over the Brahmaputra has been finished and that the Government of India have decided to construct the said bridge as soon as possible; if so, when they intend to start the work and whether it could be finished within two years;

(c) whether in constructing this bridge, Government propose to make a road also on the bridge for motor cars and pedestrians; and

(d) whether it is a fact that the Government of India asked the Government of Assam if they would agree to allot Rs. 75,000 for the combined bridge out of the money promised to them by the Central Government for Post-war Reconstruction?

**The Honourable Dr. John Matthai:** (a) Yes Sir, it is a fact that the Government have under consideration a proposal for a combined rail-road bridge across the River Brahmaputra at Jogighopa on a proposed line from Bongaigaon to Goalpara. In addition to the proposed line from Bongaigaon to Goalpara with a bridge at Jogighopa, the Government are also considering the prospects of a line from Singhjani to Pandu (Gauhati) *via* Goalpara. No decision has been

taken in either case, but if both the proposals materialise, Bongaigaon will be linked to Pandu (Gauhati) by a metre gauge line. Government do not propose to consider a broad gauge line, as not only will it be financially unjustified but it will also create additional transshipment points.

(b) Survey investigations for siting the bridge across the Brahmaputra are not yet complete. If and when it is decided to construct the bridge, it is anticipated it will take about four years to complete from the time the construction is taken in hand.

(c) Yes, the proposed bridge across the Brahmaputra at Jogighopa will be designed to carry both rail and road traffic.

(d) It is not a fact that the Assam Government have been asked to allot Rs. 75,000 towards the construction of the proposed combine rail-road bridge at Jogighopa. The fact is that the Assam Government were informed by the B. A. Railway in October 1946 that the bridge was estimated to cost Rs. 735 crores excluding approaches and that their share would be 33 per cent. of the total cost in accordance with the existing rules for apportionment of the cost of combined rail-road bridges.

#### EMPLOYMENT OF ASSAMESE IN THE TRAINING CENTRE AT KANCHRAPARA FOR TRAINING IN RAILWAY WORKS

1121. \*Sreejut Rohini Kumar Chaudhuri: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that the Government of India are going to start a big training centre at Kanchrapara (Bengal) for training people in railway works; and

(b) whether it is a fact that about 20,000 people will be employed in that centre; whether Government propose to employ people from Assam also, and if so, has any quota been fixed for Assam?

**The Honourable Dr. John Matthai:** (a) Government are considering what steps are necessary to train the personnel who will be required to staff the new Locomotive Manufacturing plant at Kanchrapara, but the site of the training centre has not yet been decided.

(b) No. As regards the latter part, no separate quota for Assamese has been prescribed. In this connection, I would invite the Honourable Member's attention to the reply to part (d) of Question No. 41 asked by Seth Govind Das on the 28th October, 1946.

#### UNSTARRED QUESTION AND ANSWER

##### PROPOSED ACQUISITION OF AND FOR ESTABLISHMENT OF ALL INDIA AGRICULTURAL COLLEGE, RESEARCH LABORATORY AND GREEN BELT IN DELHI PROVINCE

93. **Chandhri Sri Chand:** (a) Will the Secretary of the Agriculture Department please state whether Government propose to acquire the agricultural land of Mauzas Nang'oi Jat, Sultanpur, Magholpur Ka'an and Khurd, Puth Kalan, Rithala, Naharpur, Pitampura, Garhi Pira, Jawala-Heri and Madipur in Delhi Province for the establishment of All-India Agricultural College, Research Laboratory and Green Belt?

(b) If so, what steps do Government propose to take to provide work for about 25,000 people, who will be thrown out of work?

(c) Do Government propose to consider the advisability of acquiring land for the said purpose near Alipur village in Delhi Province, where most of the land belongs to Government or one or two big land lords?

(d) Is not sufficient land available for this purpose on the Muttra Road?

**Sir Pheroze Kharegat:** (a) In August last it was decided to acquire 2,770 acres of land near Shakur Basti on the Rohtak Road for colleges for Agriculture and Animal Husbandry, for the Dairy Institute and other institutions. This has nothing to do with the Green Belt Scheme. As a result, however, of representations made by the villagers and cultivators of this area the question of acquiring alternative sites is at present under consideration.

(b) The approximate number of peasant proprietors and tenants affected by the proposed acquisition is about 2,000 and not 25,000. Most of them would probably be absorbed in work at the colleges and institutes.

(c) The Government land at Alipur is only about 80 acres and it is not considered advisable to acquire the land in and near the village.

(d) The original site selected for the Dairy Institute in 1939 was at Kilokri near the Muttra Road but it is now considered that the use of this land for such institutes is likely to hinder the proper expansion of New Delhi as this is the only direction in which New Delhi can conveniently expand.

### MESSAGE FROM THE COUNCIL OF STATE

**Secretary of the Assembly:** Sir, the following message has been received from the Council of State:—

“The Council of State at its meeting held on the 20th March, 1947, agreed without any amendment to the following Bills, which were passed 12 Noon by the Legislative Assembly at its meeting held on Wednesday, the 5th March, 1947, namely:—

1. A Bill to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces of the Crown.
2. A Bill to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with States, and persons and firms belonging to States at war with His Majesty, and the custody of the property belonging to them.”

### ELECTION TO STANDING COMMITTEE FOR COMMUNICATIONS DEPARTMENT

**Mr. Masarrat Husain Zuberi** (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 five non-official members to advise on subjects dealt with in the Department of Communications during the 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 five non-official members to advise on subjects dealt with in the Department of Communications during the year 1947-48.”

The motion was adopted.

**Mr. President:** I have to inform Honourable Members that for the purpose of election by means of the single transferable vote of five members to the Standing Committee for the Department of Communications the programme of dates will be as follows:—

1. Nominations to be filed in the Notice Office up to 12 Noon on Monday, the 24th March.
2. Election, if necessary, will be held on Thursday, the 27th March in the Assistant Secretary's room in the Council House between the hours of 10-30 A.M. and 1 P.M.

## DELHI AND AJMER-MERWARA RENT CONTROL BILL

**Mr. President:** Further consideration of the motion 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 Honourable Pandit Jawaharlal Nehru** (Leader of the House): May I with your permission, Sir, suggest that the House do sit today till 6 P.M. in order, if possible, to complete the consideration of the Bill. This Bill has got to be got through. Tomorrow the House is not sitting. There is another very important urgent measure before the House and so I trust the House will agree to sit today till 6 P.M. and finish the consideration of this Bill.

**Shri Sri Prakasa** (Benares and Gorakhpur Division: Non-Muhammadan Rural): Can we have an idea, from the Honourable the Leader of the House, of the programme of work for next week?

**Mr. President:** There are two more important Bills, the Shipping Bill and the Bill for the continuance of control over Capital Issues and thereafter there is the Finance Bill. That is the order in which the Bills are set down on the agenda.

**Sir Cowasjee Jehangir** (Nominated Non-Official): We were given to understand that these Bills would be postponed by Government and that we will have the Finance Bill on Monday morning.

**Mr. President:** The Honourable Member will be able to get an idea as to when the Finance Bill will come in, if we know the progress of the Rent Control Bill in the course of this afternoon.

**Sir Cowasjee Jehangir:** The Honourable the Leader of the House said that we should finish the present Bill, that is the Rent Control Bill by 6 P.M. What about the other two Bills? Does he want the House to finish those two also today?

**The Honourable Pandit Jawaharlal Nehru:** If possible, certainly.

**Sir Cowasjee Jehangir:** If those two Bills also are to be finished before we take up the Finance Bill, then we shall certainly never be able to take up the Finance Bill at all.

**The Honourable Pandit Jawaharlal Nehru:** We are taking up the Finance Bill in any case next week on Monday. That is the idea.

**Sir Cowasjee Jehangir:** Whatever happens today?

**Mr. P. J. Griffiths** (Assam: European): It would be helpful to know the intention of Government quite clearly. Supposing the two Bills, the Shipping Bill and the Capital Issues Bill are still pending this evening will the Finance Bill come up on Monday?

**The Honourable Pandit Jawaharlal Nehru:** The thing is clear to me, but do not hold any position to answer with regard to the urgency or otherwise of the Shipping Bill. It all rests with the Department concerned. Normally speaking we should proceed with the Finance Bill next week.

**Sir Cowasjee Jehangir:** Even if the Shipping Bill is not disposed of, will the Finance Bill be taken up, in any case next week?

**The Honourable Pandit Jawaharlal Nehru:** I must consult the Honourable Member in charge of the Shipping Bill. I do not exactly know what the position is.

**Mr. Leslie Gwilt** (Bengal: European): We were given to understand that the Shipping Bill will go to the Select Committee. I presume if that is the case, then perhaps the Finance Bill might come up next week.

**Mr. President:** The order in which the Bills will be taken up depends upon the urgency of the Bills. I would suggest a slight amendment to what Honourable the Leader of the House suggested. He used the expression, 'if



[Mr. President.]

possible be finished today'. I would request the House to make a determined effort to finish the Rent Control Bill by 5 P.M. and if necessary to sit as long as may be necessary to finish the Bill. That would leave the line clear for Finance Bill next week.

**The Honourable Pandit Jawaharlal Nehru:** I entirely agree.

**Khan Abdul Ghani Khan** (North West Frontier Province: General): Why can't we sit tomorrow, instead of sitting late today?

**Mr. President:** That is not possible. Now, as regards the various amendments, I will suggest that all the amendments dealing with the same point in a particular clause may be moved and discussed together, and the Government might give a consolidated reply, so that we will be avoiding a lot of repetition of the same arguments, introductory remarks to each amendment will then be avoided and then we shall be able to finish the Bill before the time target that we have fixed today.

**Mr. President:** Clause 5:

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

"That in sub-clause (1) of clause 5 of the Bill, after the word 'landlord' occurring in the second line, the following be inserted, namely:

'or a tenant sub-letting a part of the premises let' " and

"That in sub-clause (2) of clause 5 of the Bill, after the word 'tenant', occurring in the second line, the words 'or a sub-tenant' be inserted."

**Mr. President:** Amendments moved:

"That in sub-clause (1) of clause 5 of the Bill, after the word 'landlord' occurring in the second line, the following be inserted, namely:

'or a tenant sub-letting a part of the premises let' " and

"That in sub-clause (2) of clause 5 of the Bill, after the word 'tenant', occurring in the second line, the words 'or a sub-tenant' be inserted."

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

"That in sub-clause (1) of clause 5 of the Bill, after the word 'landlord', occurring in line 2, the words 'or the tenant or any person acting or purporting to act on behalf of the tenant' be inserted", and

"That in sub-clause (1) of clause 5 of the Bill, after the word 'tenancy' the words 'or sub-tenancy' be inserted."

**Mr. President:** Amendments moved:

"That in sub-clause (1) of clause 5 of the Bill, after the word 'landlord', occurring in line 2, the words 'or the tenant or any person acting or purporting to act on behalf of the tenant' be inserted", and

"That in sub-clause (1) of clause 5 of the Bill, after the word 'tenancy' the words 'or sub-tenancy' be inserted."

**Mr. Tamizuddin Khan:** Sir, the purpose of my amendments will not be disputed by any one; the only question is whether or not they are necessary. The Honourable Member in charge told us yesterday that although the word "sub-tenant" is not defined in this Bill and although it is not clear whether a tenant who sublets a part of his tenancy will be considered a landlord in respect of the sub-tenant, yet the present definition of the words "landlord" and "tenant" will cover all these contingencies. That may be so; one cannot be dogmatic on a point of law. But I feel very unhappy that these things are being left vague like this. Had it been only a question of civil liability there would perhaps be no harm in leaving it vague like that. But here the question of criminal liability also comes in. These persons who accept any fine, premium or advance illegally will not only be liable for damages or subjected to any other civil liability but will also be criminally liable. Now if the definition is left vague and the whole thing is not made clear by amendments such as I have suggested, I am very doubtful whether any criminal court will convict any one guilty of acts.

like those in the present condition of vagueness of the law. I therefore think that whatever may be the comprehensiveness of the definition of "landlord" and "tenant", as claimed by the Honourable Member in charge, it is only common sense that in this clause at least the position should be made absolutely clear. The clause says:

"It shall not be lawful for the landlord or any person acting or purporting to act on behalf of the landlord, to claim . . . any fine, premium, advance or other like sum" etc., *save and except the standard rent.*

Now what about the tenant who has sublet a part of his tenancy or who wants to sublet a part of his tenancy with the consent of the landlord after the passing of this measure? Can he accept any premium or advance or any other money as stated in this clause? Certainly the intention is that no one should be in a position to accept or claim such illegal money. But if the clause is left as it stands now I am extremely doubtful whether the tenant or sub-tenant who takes such money will be criminally liable. Even if he is civilly liable I am doubtful if any criminal court will convict him. So I think this amendment is very necessary.

Similarly in my second amendment dealing with sub-clause (2) I propose that after the word "tenant" in the second line the words "or a sub-tenant" be inserted. This sub-clause says:

"It shall not be lawful for the tenant, or any person acting or purporting to act on behalf of the tenant, to claim or receive any payment in consideration of his relinquishment of his tenancy of any premises."

Now if a sub-tenant refuses to vacate unless he is given a bribe will he be liable? If the clause is left vague like this he will certainly not be convicted by a criminal court. I therefore think that these necessary amendments should be accepted by the House.

**Pandit Mukut Bihari Lal Bhargava:** Sir, the amendments that I have proposed are self-explanatory and need no elucidation. Clause 5 lays down that no person acting on behalf of the landlord will be allowed to accept anything over and above the standard rent in any shape or form. My amendment includes not only the landlord but the tenant also who will be prohibited from claiming anything from the sub-tenant over and above the standard rent. I think this point cannot be disputed and no argument is necessary, because the clause does not cover the case of the tenant and sub-tenant.

**Mr. B. K. Gokhale** (Government of India: Nominated Official): Sir, the first amendment moved by my Honourable friend Mr. Tamizuddin Khan and the first amendment moved by my Honourable friend Pandit Mukut Bihari Lal Bhargava are practically the same. I am prepared to accept the latter one and I hope that Mr. Tamizuddin Khan will withdraw his amendment. The latter is a slightly different version as suggested by the Legislative Department.

• As regards the second amendment moved by Mr. Mukut Bihari Lal Bhargava, I am prepared to accept it. The second amendment moved by Mr. Tamizuddin Khan is not I think necessary because the word "tenant" includes a sub-tenant. But as we have introduced the word "sub-tenant" in sub-clause (1) I do not see any great objection to introducing it in sub-clause (2). So I am prepared to accept that amendment.

**Mr. Tamizuddin Khan:** Sir, I beg leave of the House to withdraw my first amendment.

The amendment was by leave of the Assembly withdrawn.

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

"That in sub-clause (1) of clause 5 of the Bill, after the word 'landlord' occurring in line 2, the words 'or the tenant or any person acting or purporting to act on behalf of the tenant' be inserted."

The motion was adopted.

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

"That in sub-clause (1) of clause 5 of the Bill, after the word 'tenancy' the words 'or sub-tenancy' be inserted."

The motion was adopted.

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

"That in sub-clause (2) of clause 5 of the Bill, after the word 'tenant' occurring in the second line, the words 'or a sub-tenant' be inserted."

The motion was adopted.

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

"That clause 5 as amended, stand part of the Bill."

The motion was adopted.

Clause 5 as amended, was added to the Bill.

Clauses 6, 7 and 8 were added to the Bill.

**Mr. Tamisuddin Khan:** Sir, I beg to move:

"That in part (a) of sub-clause (1) of clause 9 of the Bill, the word 'not' in line 1 be omitted."

**Mr. President:** Amendment moved:

"That in part (a) of sub-clause (1) of clause 9 of the Bill, the word 'not' in line 1 be omitted."

I believe the Honourable Member accepts it.

**Mr. B. K. Gokhale:** Yes, Sir. It is purely a printing mistake.

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

"That in part (a) of sub-clause (1) of clause 9 of the Bill, the word 'not' in line 1 be omitted."

The motion was adopted.

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

"That in part (a) of sub-clause (1) of clause 9 of the Bill, after the word 'landlord', the following be added, namely:

'or fails to pay in court such arrears of rent as directed by the Court'."

Sir, I do not wish to say much on this amendment because I am equally anxious that this Bill should get through as early as possible. I would however like to say a word on this. If our idea is to accommodate as many tenants as possible and to provide more space for people to live, then we should provide every facility for the tenant who knows his duty and is willing to pay the rent. I have no sympathy for those tenants who do not want to pay rents regularly. But so often it happens that in the case of tenants who happen to be illiterate, and tenants who cannot understand the implication of going to the court and so on, may not pay the rent even when the notice has been received. In that case I propose that a tenant who pays the arrears of rent together with the costs of the suit should not be evicted. I hope the Honourable Member in charge of the Bill will accept this simple amendment and give relief to the genuine tenants who are willing to pay the rent.

**Mr. President:** Amendment moved:

"That in part (a) of sub-clause (1) of clause 9 of the Bill, after the word 'landlord', the following be added, namely:

'or fails to pay in court such arrears of rent as directed by the Court'."

**Mr. B. K. Gokhale:** May I suggest that there is another amendment on this very same point by Khan Abdul Ghani Khan. The principle is the same but the wording is slightly different, and I am prepared to accept the amendment of Mr. Abdul Ghani Khan.

**Mr. President:** Will the Honourable Member see the subsequent amendment—supplementary list No. 2, item No. 6—and say if that meets her point?

**Miss Maniben Kara:** I have no objection in withdrawing my amendment so long as the idea of the amendment has been accepted. The amendment was, by leave of the Assembly, withdrawn.

**Khan Abdul Ghani Khan:** Sir, I move:

"That to part (a) of sub-clause (1) of clause 9 of the Bill, the following Proviso be added, namely:

'Provided that no eviction shall be ordered under this clause if the tenant pays in court on the first day of hearing such arrears of rent together with the costs of the suit.'

May I say a word on this amendment?

**Mr. President:** Government are accepting it. I will put it to the House. The question is:

"That to part (a) of sub-clause (1) of clause 9 of the Bill, the following Proviso be added, namely:

'Provided that no eviction shall be ordered under this clause if the tenant pays in court on the first day of hearing such arrears of rent together with the costs of the suit.'

The motion was adopted.

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

"That in part (b) of sub-clause (1) of clause 9 of the Bill, the words 'whether before or', be omitted."

Since all the members of this House are one with me to avoid evictions in the case of genuine and honest rent-payers, I would request that the words 'whether before or', which unfortunately empower the landlord to evict a tenant for his past doings, may be deleted. If I have properly understood the clause, the landlord may evict those tenants who have sublet a part of their house before this Act comes into operation. My anxiety is that those tenants who have already sublet a part of their houses to sub-tenants should not suffer because of this clause for whatever they may have done in the past. When this Bill legalizes sub-tenancy, it will not be fair that we should victimize those people who were sub-tenants in the past. I would therefore request the Honourable Member, Mr. Gokhale, to explain to me whether by passing clause 9 without my amendment those people who are sub-tenants will not suffer. If I am satisfied on that point, I will ask for leave of the House to withdraw my amendment. But if the implication of the clause, as it stands, is that a person who is a sub-tenant of the tenant will be thrown out of his house, then certainly I would request the House to give protection to those people who are already staying as sub-tenants, and not render them homeless. I know that as soon as this Bill is passed there will be landlords too anxious to throw out sub-tenants under the protection of this Bill which provides for eviction against those tenants who rented their part of the house to other people, against then existing law. This is a very serious thing. After all, in this Bill, my friend Mr. Gokhale had in his opening speech and in the middle of the debate assured this House that he has no intention by the passage of this Bill to impose any hardship on the tenants. I am sure, everyone will agree with me that if the clause is kept as it is, hundreds of tenants will suffer. Owing to the scarcity of accommodation, number of people are to-day sub-tenants of the tenants. It may also happen that those tenants who have sub-let their houses to sub-tenants will be only too glad to evict their present sub-tenant, so that they can bring in new tenants and get fresh *pugree* or *salami* plus extra 25 per cent. rent. I would appeal to all the members and the Member in charge of the Bill to see that this Bill does not undo anything which has been done in the past. When we are legislating let us legislate for a thing that is going to happen from now on. I can understand if all the clauses of the Bill were to the effect that we were going to undo all that happened in the past. But my Honourable friend, Mr. Gokhale, has pointed out that the effect of the various clauses of the Bill will be for future use. I therefore hope that the Members will support this amendment and also that the Member in charge of the Bill will accept it.

**Mr. President:** Amendment moved:

"That in part (b) of sub-clause (1) of clause 9 of the Bill, the words 'whether before or' be omitted."

May I know what the Honourable the Secretary's reactions are to this? I might suggest if the principle enunciated by the Honourable the Mover is acceptable to the Honourable Member, he might as well consider whether, instead of deleting the words altogether he may not say, "before such and such date" which should be the date of the publication of this Bill, so that there may be no scope for litigation in respect of alleged transactions in the intervening periods.

**Mr. B. K. Gokhale:** There is a large number of amendments on this point by various other members and it becomes difficult to deal with each one individually.

**Mr. President:** I am prepared to have all those amendments and they will be discussed together.

**Mr. B. K. Gokhale:** I think it better if that is done.

**Mr. Sasanka Sekhar Sanyal:** The Honourable Member can give us an idea as to what amendment he is going to accept.

**Mr. B. K. Gokhale:** The general idea is that sub-letting in part, whether for residential purposes or for business purposes should be validated and should not be a ground for eviction up to the date on which this Bill is passed.

**Mr. President:** Passed or published?

**Mr. B. K. Gokhale:** The date when it is finally published in the Gazette.

**Mr. President:** The Bill is published a month or fifteen days before it may be regularly passed a few days after.

**Mr. B. K. Gokhale:** I mean when it actually comes into force. Any sub-letting for business or residence should be validated up to that date. No sub-letting for residence or business purposes after that date, without the consent of the landlord, should be validated. That is the general idea of sub-letting. Now this applies to sub-letting of part premises. But where it is a question of sub-letting of the entire premises, which is really in the nature of a transfer of the entire tenancy, whether for business or residential purposes, the idea is that that should be a ground for eviction whether it happened before the passing of this Act or after the passing of this Act.

There is a third class of cases.

**Mr. Sasanka Sekhar Sanyal** (Presidency Division: Non-Muhammadan Rural): Eviction of whom?

**Mr. President:** Eviction of the actual occupier.

**Mr. B. K. Gokhale:** The third class is where the tenant has used the residence for purposes other than for which they were let: there also, whether it happened before or after the passing of the Act, the tenant should be liable for eviction. That is the general idea of the discussions, we have had so far. The amendments which will give effect to these ideas, Sir, are Numbers 19 of the consolidated list and 7 of list 2. Those two together give effect to what I have just stated.

**Mr. President:** The Honourable Member is going to accept these two and not the others?

**Mr. B. K. Gokhale:** Yes.

**Mr. Sasanka Sekhar Sanyal:** May I ask the Honourable Member one question. In case where the premises have been wholly sub-let, the idea is to evict the sub-tenant. But what will be the position of the actual tenant? Will the tenancy between the landlord and the original tenant be automatically ended?

**Mr. B. K. Gokhale:** Both will be evicted.

**Mr. President:** May I know whether the Honourable Member now wishes to withdraw her amendment or shall I put it to the House?

**Miss Maniben Kara:** I would like it to be put to the House.

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

"That in part (b) of sub-clause (1) of clause 9 of the Bill, the words 'whether before or' be omitted."

The motion was negatived.

**Lala Deshbandhu Gupta (Delhi: General):** Sir, I move:

"That part (b) (iii) of sub-clause (1) of clause 9 of the Bill be omitted."

**Mr. President:** The Honourable Member is accepting it?

**Mr. B. K. Gokhale:** Yes, Sir.

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

"That part (b) (iii) of sub-clause (1) of clause 9 of the Bill be omitted."

The motion was adopted.

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

"That in part (c) of sub-clause (1) of clause 9 of the Bill, the words 'the premises having been let for use as a residence' be omitted."

**Mr. President:** The Honourable Member accepts it?

**Mr. B. K. Gokhale:** Yes, Sir.

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

"That in part (c) of sub-clause (1) of clause 9 of the Bill, the words 'the premises having been let for use as a residence' be omitted."

The motion was adopted.

**Mr. Tamizuddin Khan:** I move:

"That part (d) of sub-clause (1) of clause 9 of the Bill be omitted."

Shall I also move No. 20 as it is an alternative amendment. If this is not accepted, then I shall move that.

**Mr. President:** He may move it at the same time.

**Mr. Tamizuddin Khan:** Sir, I move:

"That in part (d) of sub-clause (1) of clause 9 of the Bill, for the words 'neither the tenant nor any member of his family has been residing' the following be substituted, namely:

'either the tenant, any member of his family or an agent of the tenant has not been residing'."

Sir, so far as my first amendment No. 19 is concerned, I propose in that amendment that part (d) of sub-clause (1) of clause 9 of the Bill be omitted. This is one of the contingencies under which a tenant may be evicted by the landlord. This does not seem to me to be a very necessary condition. If this item is omitted, I do not think that the landlord will be at all placed in a difficulty. Here there is no question of non-payment of rent. If a tenant goes on paying the rent but simply for some reason he cannot be in occupation of the holding for more than six months, he will be liable to be evicted. This will be rather too harsh on the tenant. He may be ill for a long time and lying somewhere else but it may be very necessary that he should not give up his tenancy: yet he will be evicted, although he is willing to pay the rent. This is too harsh on him. I think this amendment may be accepted by the Government but if it is not accepted, I would like the Government to consider the other one, because that makes the hardship on the tenant a little less stringent. In this clause, if the tenant does not live there or a member of his family does not live there, he will be evicted but I propose that if the tenant himself or a member of his family cannot live there for some reason but there is a servant of the tenant or one of his agents is there, that should be a sufficient ground for not evicting the tenant for absence from the tenancy. I hope that one of these two amendments will be accepted by the Government.

**Mr. President:** Amendment moved:

"That part (d) of sub-clause (1) of clause 9 of the Bill be omitted."

Amendment moved:

"That in part (d) of sub-clause (1) of clause 9 of the Bill, for the words 'neither the tenant nor any member of his family has been residing' the following be substituted, namely :

'either the tenant, any member of his family or an agent of the tenant has not been residing'."

**Mr. B. K. Gokhale:** Sir, I am afraid I am not in a position to accept either of the two amendments. In fact I think we have already gone far in suggesting that where a tenant or any member of his family has been residing for a period of six months, there shall be no eviction. We cannot extend this principle to servants or agents of the tenants. It is not so much a question of rights as a question of paucity of accommodation. If a man has been compelled to live away from Delhi for six months at a stretch, it is much better that he should quit Delhi and not lock up premises here unnecessarily and put other people into difficulties. Sir, I cannot accept either of the amendments.

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

"That part (d) of sub-clause (1) of clause 9 of the Bill be omitted."

The motion was negatived.

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

"That in part (d) of sub-clause (1) of clause 9 of the Bill, for the words 'neither the tenant nor any member of his family has been residing' the following be substituted, namely :

'either the tenant, any member of his family or an agent of the tenant has not been residing'."

The motion was negatived.

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

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The Assembly reassembled after Lunch at Quarter Past Two of the Clock, Mr. President (the Honourable Mr. G. V. Mavalankar in the Chair).

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**Mr. President:** The House was proceeding with clause 9 of the Rent Control Bill.

**Lala Deshbandhu Gupta:** I beg to move:

"That in part (e) of sub-clause (1) of clause 9 of the Bill after the word 'landlord' the words 'who is the owner of such premises' be inserted."

**Mr. B. K. Gokhale:** I accept the amendment.

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

"That in part (e) of sub-clause (1) of clause 9 of the Bill after the word 'landlord' the words 'who is the owner of such premises' be inserted."

The motion was adopted.

**Lala Deshbandhu Gupta:** I beg to move:

"That in part (e) of sub-clause (1) of clause 9 of the Bill, for the word 'the', occurring for the first time in line 1, the words 'purely residential' be substituted."

**Mr. B. K. Gokhale:** I accept the amendment.

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

"That in part (e) of sub-clause (1) of clause 9 of the Bill, for the word 'the', occurring for the first time in line 1, the words 'purely residential' be substituted."

The motion was adopted.

**Lala Deshbandhu Gupta:** I beg to move:

"That in part (e) of sub-clause (1) of clause 9 of the Bill, for the words 'is unable' the words 'neither has nor is able' be substituted."

**Mr. B. K. Gokhale:** I accept it, Sir.

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

"That in part (e) of sub-clause (1) of clause 9 of the Bill, for the words 'is unable' the words 'neither has nor is able' be substituted."

The motion was adopted.

**Shri Mohan Lal Saksena** (Lucknow Division: Non-Muhammadan Rural): I beg to move:

"That in part (e) of sub-clause (1) of clause 9 of the Bill, for the words and figures '1st day of January, 1943', wherever they occur, the words and figures '2nd day of June, 1944' be substituted."

**Mr. B. K. Gokhale:** I accept it, Sir.

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

"That in part (e) of sub-section (1) of clause 9 of the Bill, for the words and figures '1st day of January, 1943', wherever they occur, the words and figures '2nd day of June, 1944' be substituted."

The motion was adopted.

**Miss Maniben Kara:** In view of the fact that one of the amendments moved by my friend has been accepted by Mr. Gokhale, I shall only move the latter portion of the amendment. Sir, I move:

"That to part (e) of sub-clause (1) of clause 9 of the Bill, the following proviso be added, namely:

'Provided:

- (a) that the landlord has rendered himself homeless by his own action either by disposing of or voluntary vacation of his existing residence; and
- (b) that the landlord desires a change of surroundings only."

From the fact that a number of amendments to this particular clause has been moved, it is clear that most of the members of the House are against eviction as a rule and my amendment only provides further safeguards. If the landlord has rendered himself homeless by his own action, I submit that the tenant should not be rendered homeless. I will give an example. Many times it may happen that a landlord may stay in one place and may want to go to a better place like New Delhi in order to help his friends to get the possession of the place where he is staying. He may want to oblige his friend, as a result of getting some *salami*. There may be various other reasons why a landlord may want to vacate his own place where he was residing and to go to another place which he may own. It is not enough to say that the landlord wants the place for himself, as Mr. Sanyal said. The fact remains that by his action the tenant will be turned out to the footpath. I am not one of those who want the Government or the State to intervene at every stage between the landlord and the tenant. I agree that sufficient care should be taken to see that in a genuine case where the landlord wants the place for himself and he has absolutely no place to go to, the tenant may be asked to go. My amendment says that if the landlord either in order to get *salami* or for other reasons such as obliging his friends wants to evict his tenants, that will not be right, and members of this House should see that we provide a minimum necessity of life, that is shelter, for these people and that people are not thrown out without any hope. I would therefore request that this amendment may be accepted.

**Mr. President:** Amendment moved:

"That to part (e) of sub-clause (1) of clause 9 of the Bill, the following proviso be added, namely:

'Provided:

- (a) that the landlord has rendered himself homeless by his own action either by disposing of or voluntary vacation of his existing residence; and
- (b) that the landlord desires a change of surroundings only."



**Mr. B. K. Gokhale:** Sir, the wording of the amendment, as actually moved, does not fit in with the clause at all because my friend omitted certain words which might have made the whole thing intelligible . . . . .

**Miss Maniben Kara:** You can change that.

**Mr. B. K. Gokhale:** I am not laying much stress on that. I am only mentioning it incidentally. Apart from that, however, although I am to a large extent in sympathy with the object underlying the Honourable Member's amendment, there are so many considerations involved before eviction can be ordered, that it is difficult to lay down hard and fast rules. The Honourable Member has drawn attention to two possible cases. There are a number of other hard cases likely to arise. Mr. Ghani Khan's amendment, which was not moved, refers to as many as six cases in which it would be a hardship if the tenants were evicted. It would be better to have a general clause which will cover all such cases. In this connection, I am prepared to accept Amendment No. 11 in Supplementary List No. 2 in the name of Lala Deshbandhu Gupta, which reads as follows:

That to sub-clause (1) of clause 9 of the Bill, the following new proviso be added at the end, namely:—

“Provided that no decree for eviction shall be passed on the grounds set forth in clauses (e) and (h) unless the Court is satisfied after taking all the facts and circumstances into consideration that it is reasonable to allow such eviction.

That covers all cases that may possibly arise and I feel that my friend should be satisfied with this amendment.

**Mr. Sasanka Sekhar Sanyal:** May I intervene? The amendment of Mr. Gupta is certainly good in its own way. I want to point out this fact. It refers only to those facts which relate to the convenience and suitability of the landlord. Does not this phraseology, as it stands, exclude the taking into consideration of the convenience and distress of the tenant also? So, in that case, has he considered the question of just a little redrafting, so that the extreme distress of the tenant, namely, that he is going to be thrown to the foot-path, be also avoided?

**Mr. B. K. Gokhale:** The wording here is:

“Unless the Court is satisfied after taking all the facts and circumstances into consideration that it is reasonable to allow such eviction.”

It does not matter whether the facts and circumstances are put before the Court by the landlord or by the tenant.

**Mr. President:** What does the Honourable Member wish me to do now?

**Miss Maniben Kara:** Sir, I would like my amendment to be put to the House.

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

“That to part (e) of sub-clause (1) of clause 9 of the Bill, the following proviso be added, namely:

‘Provided:

(a) that the landlord has rendered himself homeless by his own action either by disposing of or voluntary vacation of his existing residence; and

(b) that the landlord desires a change of surroundings only’.”

The motion was negatived.

**Pandit Mukut Bihari Lal Bhargava:** Sir, I move:

“That after part (e) of sub-clause (1) of clause 9 of the Bill, the following new part be inserted and, the subsequent parts be re-lettered accordingly:

‘(f) that the tenant, after the commencement of this Act, has built, acquired or been allotted a suitable residence’;”

**Mr. President:** Amendment moved:

“That after part (e) of sub-clause (1) of clause 9 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly:

‘(f) that the tenant, after the commencement of this Act, has built, acquired or been allotted a suitable residence’;”

**Lala Deshbandhu Gupta:** Sir, a verbal change is needed in this amendment, which seems to have been left out in typing. The words 'vacant possession of' should be added after the word 'acquired'.

**Mr. President:** That is Mr. Saksena's amendment to which the Honourable Member is referring.

**Lala Deshbandhu Gupta:** As the object is the same, Pandit Bhargava's amendment may be altered accordingly.

**Mr. President:** Both the amendments seem to be identical except those words to which the Honourable Member has referred. If the amendment of Mr. Saksena is acceptable to the Government and if that is going to be moved, Pandit Mukut Bihari Lal Bhargava may as well consider whether he should move his amendment at all.

**Pandit Balkrishna Sharma** (Cities of the United Provinces: Non-Muhammadan Urban): I may also draw your attention, Sir, to the fact that a similar amendment stands in my name also, namely No. 36 on the Consolidated List. I think that will serve the purpose and the Government should have no objection to it. I think it will be better if my amendment is taken in preference to Mr. Saksena's amendment.

**Mr. President:** If the Honourable Member so desires, I will have all the three amendments moved. Pandit Bhargava has already moved his amendment.

**Shri Mohan Lal Saksena:** Sir, I move:

"That after part (e) of sub-clause (1) of clause 9 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly:

'(f) that the tenant after the commencement of this Act has built, acquired vacant possession of or been allotted a suitable residence; or'."

**Mr. President:** Amendment moved:

"That after part (e) of sub-clause (1) of clause 9 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly:

'(f) that the tenant after the commencement of this Act has built, acquired vacant possession of or been allotted a suitable residence; or'."

**Pandit Balkrishna Sharma:** Sir, I move:

"That after part (f) of sub-clause (1) of clause 9 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly:

'(g) that the tenant, since the 2nd day of September 1939, has built a residential house or has acquired, purchased or been allotted by the Government a vacant house;'

**Mr. President:** Amendment moved:

"That after part (e) of sub-clause (1) of clause 9 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly:

'(g) that the tenant, since the 2nd day of September 1939, has built a residential house or has acquired, purchased or been allotted by the Government a vacant house;'

**Mr. B. K. Gokhale:** Sir, I am willing to accept the amendment moved by Mr. Mohan Lal Saksena.

**Pandit Mukut Bihari Lal Bhargava:** Sir, I beg to withdraw my amendment. The amendment was by leave of the Assembly withdrawn.

**Pandit Balkrishna Sharma:** Sir, I beg to withdraw my amendment. The amendment was by leave of the Assembly withdrawn.

**Mr. President:** I will now put the amendment of Mr. Mohan Lal Saksena. The question is:

"That after part (e) of sub-clause (1) of clause 9 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly:

'(f) that the tenant after the commencement of this Act has built, acquired vacant possession of or been allotted a suitable residence; or'."

The motion was adopted.

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

"That after the Proviso to sub-clause (1) of Clause 9 of the Bill, the following new Proviso be added, namely:

'Provided that after the completion of the necessary repairs or rebuilding the tenant evicted under this clause shall have the first preference for occupation of the premises'."

Sir, Clause 9(1)(i) says:

"that the landlord requires the premises in order to carry out any building work—

(i) at the instance of the Government or the Delhi Improvement Trust in pursuance of an improvement scheme or development scheme, or

(ii) because the premises have become unsafe or unfit for human habitation."

Sir, if a tenant is to be evicted under these circumstances where certain repairs have to be carried out, certainly no one can be against the safety of the persons residing. A tenant under such conditions, for the time being, may go to a friend's house, or may go to relative's house for a short time. Is it not right that we should allow him to come back to his own place after the necessary repairs are done? I would appeal to the House to accept my amendment. The fact is that in these hard times if people are compelled to leave their houses, they will have absolutely no other place to go to, since all families are overcrowded, not only by relatives but by friends who come to Delhi. It is likely that a tenant's house might require some repairs. The repair may take a couple of months time or even six months, and even in six months, it may not be possible to get any house on rent in Delhi. But when the safety of the house and life are at stake, then the tenants have no other alternative but to vacate the house for necessary repairs or reconstruction. They must get out of the place and give vacant possession to the landlord. In that event, under the joint family system which still exists in India today, the tenants may get shelter either at some relatives house, or in some friend's house, or in their father-in-law's house for some time. But if those friends or relatives did not have the assurance that after a couple of months when the house will be repaired, and their friends will return to their own homes, even with the best of intentions in the world, those friends or relatives would be reluctant to give any shelter to such people. This is a genuine difficulty that I have mentioned. I would therefore request the Honourable Member to accept this amendment.

**Mr. President:** Amendment moved:

"That after the proviso to sub-clause (1) of Clause 9 of the Bill, the following new proviso be added, namely:

'Provided that after the completion of the necessary repairs or rebuilding the tenant evicted under this clause shall have the first preference for occupation of the premises'."

**Mr. B. K. Gokhale:** Sir, in the sub-clause as it stands, I do not see any word 'repair'. The expression used is "any building work" for which the premises have to be vacated. There is no question of repairs. The premises will have to be vacated by tenants only if they are necessary for rebuilding purposes. Now, Sir, rebuilding may take six months or eight months or even a year. It may take any length of time. Although I must confess I have some sympathy with the object of the amendment, I feel that after the tenant has made his own arrangements for those six months or even a year, it is better not to complicate matters by bringing him back again and giving him first preference. If we make provision for so many exceptions—I referred to this earlier when the Bill was under discussion—if we make provision for every exception, then I am afraid the Bill will become encyclopaedic, it will become very complicated, and we may not be able to know what will be the consequential amendments that might be required. I am not in a position to accept this amendment.

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

"That after the proviso to sub-clause (1) of Clause 9 of the Bill, the following new Proviso be added, namely:

'Provided that after the completion of the necessary repairs or rebuilding the tenant evicted under this clause shall have the first preference for occupation of the premises'."

The motion was negatived.

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

"That to sub-clause (1) of clause 9 of the Bill, before the existing proviso, the following new proviso be inserted, namely:

'Provided that no decree for eviction shall be passed on the grounds set forth in clauses (e) and (i) unless the court is satisfied after taking all the facts and circumstances into consideration that it is reasonable to allow such eviction';";

and

"That in the existing proviso to sub-clause (1) of clause 9 of the Bill between the words 'Provided' and 'that' the word 'further' be inserted."

**Mr. B. K. Gokhale:** I accept the amendment.

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

"That to sub-clause (1) of clause 9 of the Bill, before the existing proviso, the following new proviso be inserted, namely:

'Provided that no decree for eviction shall be passed on the grounds set forth in clauses (e) and (i) unless the court is satisfied after taking all the facts and circumstances into consideration that it is reasonable to allow such eviction';";

and

"That in the existing proviso to sub-clause (1) of clause 9 of the Bill between the words 'Provided' and 'that' the word 'further' be inserted."

The motion was adopted.

**Mr. Sasanka Sekhar Sanyal:** Sir, I move:

"That sub-clause (4) of clause 9 of the Bill be omitted."

**Mr. B. K. Gokhale:** I accept the amendment.

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

"That sub-clause (4) of clause 9 of the Bill be omitted,"

The motion was adopted.

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

"That clause 9 as amended, stand part of the Bill."

The motion was adopted.

Clause 9 as amended, was added to the Bill.

Clauses 10 and 11 were added to the Bill.

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

"That in sub-clause (1) of clause 12 of the Bill, the words 'Notwithstanding anything contained in any contract' be omitted, and the following be added at the end, namely:

'except in cases where the tenant has undertaken by agreement to keep the premises in repair'."

**Mr. B. K. Gokhale:** Sir, I accept the amendment.

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

"That in sub-clause (1) of clause 12 of the Bill, the words 'Notwithstanding anything contained in any contract' be omitted, and the following be added at the end, namely:

'except in cases where the tenant has undertaken by agreement to keep the premises in repair'."

The motion was adopted.

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

"That in the Proviso to sub-clause (2) of clause 12 of the Bill, for the word 'Twelfth' the word 'Sixth' be substituted."

[Miss Maniben Kara.]

I am sorry that the last amendment of Lala Deshbandhu Gupta has now been passed with which I disagree. This new clause for repairs has come as an improvement because it will act as a threat to the landlord. We have allowed the landlord to charge extra rent, but at the same time we expect that they will do their duty by the tenants and effect necessary repairs. I do not think it is necessary that there should be any previous agreement before a tenant can carry out the much wanted repairs in his house if the landlord has failed, because that is part of the whole contract. As a matter of fact the clause as it stood would have meant some serious threat to the landlord. If the landlord did not carry out the repairs, the tenant would take the initiative and carry on with the repairs and charge the landlord to the extent of one month in a year as the Bill provides. Now, Sir, my point is that the landlord is allowed under the income-tax rules two months in a year as exemption for repairs to his property. Even then, they argue that two months' exemption is not enough, because the cost of repairs is now high, materials are not available and they have to go to the black market, etc., for repairs. But when the tenant carries out repairs, he is given by this Bill only one month's rent. Even if we judge the landlord and tenant equally in regard to their spending capacity, it will not be justice to allow the tenant only one month's rent for carrying out repairs. The landlord if he carries out repairs is allowed two months' rent, not under this Bill but under the income-tax rules.

**Lala Deshbandhu Gupta:** Is it for the purpose of income-tax or for the purpose of realisation from the tenants?

**Miss Maniben Kara:** It is under income-tax rule that they are allowed 2 months' rent for repairs. I am interested in finding out the cost of repairs. I have cited this to show what cost the tenant will have to incur for carrying out repairs. Now, Sir, every one knows that at present the buildings do not receive any attention from the landlords and are in a very bad condition. Even absolute necessities from the hygienic point of view like flush, water, etc., are not attended to by landlords under the pretext that

**3 P. M.** materials are not available; the landlords are annoyed because of rent control, and because the tenants have been there for many years without paying extra rent. They feel that if they inconvenience the tenants somehow or other they may go out of the place. I know many cases where electricity is cut, electric connection is not given, and tenants are subjected to various other hardships by the landlords to provoke them to vacate houses. The tenant is not anxious to undertake repairs; it is up to the landlords to look after his property. Only when the landlord fails to do his duty in this respect, the tenant will be compelled to undertake repairs. I, therefore, suggest that the tenant should be allowed not one month's but two months' rent for repairs and I hope my amendment will be accepted.

**Mr. President:** Amendment moved:

"That in the proviso to sub-clause (2) of clause 12 of the Bill, for the word 'Twelfth' the word 'Sixth' be substituted."

**Mr. B. K. Gokhale:** Sir, I believe that the P.W.D. do not spend more than about 8 per cent. on annual repairs which is roughly about 1/12th, and therefore I feel that one month is quite enough. This is after all an exceptional provision. Ordinarily we do expect that landlords will keep houses in repairs. It is only when they do not, that we are proposing that the tenant should be able to do the minimum essential repairs; and for that I think one-month's rent will be adequate. I am sorry I cannot accept the amendment.

**Miss Maniben Kara:** Sir, I do not wish to press this amendment.

**Mr. President:** I wish to point out that one-sixth or one-tenth would include very probably the cost of collection also. So there was an additional charge. However, the Honourable Member wishes to withdraw the amendment.

The amendment was by leave of the Assembly withdrawn.

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

"That clause 12 as amended, stand part of the Bill.

The motion was adopted.

**Mr. Tamizuddin Khan:** Sir, I move:

"That in sub-clause (2) of clause 13 of the Bill, for the words 'three months' the words 'six months' be substituted."

I am told that the evil of realising *pugree* and in the case of certain tenants the practice of not vacating without being bribed has become very prevalent in Delhi. If that is so, I think that the punishment provided—simple imprisonment for 3 months—will not act as a deterrent. In this country, unfortunately, for unsocial acts our Courts award very lenient punishment. Sometimes the provision of the law are at fault; at other times the Courts do not realize the gravity of the situation. I think that although the Courts may still persist in that habit and more enhancement of the punishment awardable in law may not influence the courts, but still I think that a provision of six months' imprisonment may act as a deterrent. Sir, I move:

**Mr. President:** Amendment moved:

"That in sub-clause (2) of clause 13 of the Bill, for the words 'three months' the words 'six months' be substituted."

**Mr. B. K. Gokhale:** Sir, the original provision was for a fine of Rs. 1,000 and six months imprisonment. The Select Committee considered this at great length and decided that where a landlord has realized say Rs. 5,000 or Rs. 10,000 as *pugree* it would be quite inadequate to fine him Rs. 1,000; and therefore the provision has now been amended to enable the Court to realize the entire amount of *pugree* and a fine of Rs. 1,000, in addition. So if Rs. 20,000 has been charged as *pugree*, the Court can now impose a fine of Rs. 21,000. That is a substantial punishment. When we come to the question of imprisonment, it is really in the nature of a stigma for an unsocial act; it is not a question of 3 months, or 6 months, but even 1 month's or for the matter of that even one day's imprisonment will be quite enough as a stigma. What we propose to do is to realize the whole amount of *pugree* plus Rs. 1,000 and also imprison for 3 months for committing the unsocial act. I think, Sir, that 3 months is quite enough for the needs of the situation, and I oppose the amendment.

**Shri Sri Prakasa:** How do you know how much *pugree* has been paid?

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

"That in sub-clause (2) of clause 13 of the Bill, for the words 'three months' the words 'six months' be substituted."

The motion was negatived.

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

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

**Mr. President:** Clause 14.—There are two amendments by Messrs. Sanyal and Tamizuddin. They are negatives of the original, and Honourable Members can oppose the clause. Miss Maniben Kara.

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

"That in clause 14 of the Bill, the following new sub-clause be inserted as sub-clause (1) and the existing clause be re-numbered as sub-clause (2) :

(1) All suits for eviction of tenants under this Act may be determined by any Court which would have ordinarily jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the question arises."

This is a very important amendment. In the original Bill this clause was not there. All cases of disputes were referred to Civil Courts, but the Select Committee has changed this clause. Their anxiety is that there should be no delay in deciding the disputes between landlords and tenants. While appreciating this anxiety, I wish to point out that by bringing cases of eviction before a Small Cause Court, the tenants will be put to a very great disadvantage. In these Courts the proceedings are summary. The tenants cannot bring forward witnesses, evidences are not recorded and it will be on rare occasions when the decision of such courts will be in favour of the tenants. I feel, Sir, that eviction clause is the most important and vital clause of the Bill and we should afford every possible facility to both the parties to bring forward their case before a Civil Court. I share the anxiety of my friends that other disputes should be decided as early as possible and may be referred to the Small Causes Court, and that is why I have not moved my first amendment. In this connection I had a talk with my Honourable friend, Mr. Gokhale, and I think he shared my anxiety that the tenants should be given full opportunity to bring their witnesses before the Court in cases of evictions and they should have the right of appeal. I hope that since he shared my anxiety on this subject he will have no hesitation to meet me half-way. I say that only cases where the question of eviction is involved, that they should be referred to the Civil Courts; the rest of the disputes may go to the Small Causes Courts. If this is not accepted, great injustice will be done. After all, the most important clause in the whole Bill, I think, is not as much the increase of rent as the anxiety in regard to eviction. People are not so much worried because they may have to pay Rs. 5 or Rs. 10 more, but they are anxious that nothing should be passed in this House as a result of which they may lose the possession of their houses or business premises. Number of amendments have been therefore moved to the eviction clause. Therefore I say that we should give our very serious consideration to this aspect of the question, and justice should be done to both the parties by giving them an ample opportunity to present their case before a proper court, and not hastily decide the cases of eviction. This point may be more ably argued by one who is a lawyer, and who can understand the implications of bringing such cases before the Small Causes Court. I submit Sir, that you with your vast experience as a lawyer will also appreciate the point that I have tried to make. I hope that the Honourable Member will accept my amendment.

**Mr. President:** Amendment moved:

"That in clause 14 of the Bill, the following new sub-clause be inserted as sub-clause (1) and the existing clause be re-numbered as sub-clause (2) :

(1) All suits for eviction of tenants under this Act may be determined by any Court which would have ordinarily jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the question arises."

**Sreejot Rohini Kumar Chaudhuri** (Assam Valley: Non-Muhammadian): I read in this amendment a protest against cognisance of suits under the Bill, by the Small Causes Court and to that extent the amendment which has been put before the House has my sympathy. A reference to the Small Causes Court has recalled to my memory all the horrors of such Courts. It has reminded me of the ordeal which I had to undergo as a junior member of the legal profession. Sir, the stern attitude which a Judge of the Small Causes Court puts on, his indifference to the evidence which is being taken in his Court, the

hurried way in which a witness is jostled out of the witness box; and the unceremonious manner in which another witness is put into the witness box, the commencement of the writing of the judgment by the Judge before the learned pleaders have even begun their argument, the chorus of arguments which is made by lawyers appearing on both sides unheeded by the Court, and then the passing of the orders while the arguments of the pleaders are still going on and the exultant appearance of the victorious pleader and the client, as well as the support which is given by the Clerk of the Court and other officials—all these Sir, are unforgettable pictures. Even now, I feel unnerved by the recollection of what happened then and I feel like collapsing. But I am afraid many of the Honourable Members of this House have no experience of the Small Causes Court. But some might have experience of what is known as Summary Court Martial.

Permit me, Sir, to digress a bit to illustrate my point. Once I had the opportunity of appearing in the defence of an accused before a Summary Court Martial. The case for the prosecution was that he was in possession of certain blankets belonging to the American Army. The evidence was gone into. In vain did I try to cross-examine and point out that the man had no knowledge of the contents of the trunk where the blankets were found and that he was not in dishonest possession. Well both myself and my client were trembling before the ordeal. Fortunately the wife of the accused was called as a witness by the defence and the wife said that these things were in her possession without the knowledge of the husband and they were left there by a young soldier whose coming to the house was not known to the husband. This bit of evidence somehow struck the finer chords of the young officer who presided over the court and to my greatest surprise I found that the accused was acquitted. As soon as the order was passed both myself and my client ran away from the premises of the Court. Considering my age and my size, the House will certainly admit that I did a very fine job. I reached the streets before my client.

These Summary Court Martials and Small Causes Courts are not far removed from each other so far as the speed with which the judgments are delivered. It will be said that this evil can be remedied by providing for an appeal. I ask those who hold this view to realize what effect it will have on the Small Court judges in those provinces which will be affected? Do they realise that this invasion of the rights of the Small Causes Courts to have no appeal against their decision may bring about sympathetic strike of the Small Court judges throughout India? Do they realise that an appeal from a decision where no evidence is recorded, where proceedings are not conducted in a regular manner, will be an appeal without any meaning and foundation? It will only give rise to affidavits and counter-affidavits which cannot be believed by the Court. I am saying this to show that the provision of an appeal is entirely meaningless. It is better to omit this clause altogether. In this connection I may point out that in the rent control orders which were promulgated by ordinance, they provided for an appeal. The decision of the Deputy Commissioner was subject to an appeal to the Commissioner. But in this piece of legislation we do not find any such provision. If the whole matter has to be decided by the Small Causes Court that means the parties are deprived of the right of appeal. It is not so much the result or the decision of the Court which makes me apprehensive. The decision of the Court may not always be against the tenant nor against the landlord. A poor landlord may sometimes lose against a rich tenant in a Small Causes Court and a rich tenant may win. It is not the decision that matters but the risks to which the parties are subjected.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I rise to support the amendment moved by Miss Maniben Kara. I need not dwell on the status of the Small Causes Court nor need I comment



[Mr. Muhammad Nauman.]

on their proceedings. Probably his experience of Assam would not convince everyone that the same story is repeated in Delhi. But what I want to impress is that the question of eviction is the major question in the whole of the Bill. There is a great anxiety on the part of the tenants to see that this particular clause is not executed in a manner which will make it more embarrassing for them than anything else. I only want to tell this House that if the eviction is decided in a Small Causes Court, then the question of appeal is one which is very important and in this case it will be an impediment against the decision which will be taken by the Small Causes Court. Good, bad, or indifferent, I am not concerned and I am not going to suggest anything about the Small Causes Court as was suggested by the previous speaker from his own experiences in Assam. But I want to impress on the House that it is definitely better that in a matter like this the jurisdiction is given to the Central Court and not to the Small Causes Court where the proceedings are more on summary lines.

**Mr. Sasanka Sekhar Sanyal:** I want to add a few words to what has already been spoken on the amendment. I understand that the amendment which is to be moved by Mr. Ghani is acceptable to Government. Before that stage comes, I would offer my suggestions to the House as whole. Appeal power is proposed to be given against a decision of the summary court. We know that the powers exercised by a higher court are only on question of law and not of fact. 99 per cent. of the disputes in the original trial courts are on questions of fact such as the convenience of the landlord, the suitability of the landlord's accommodation, etc. In view of the amendment which has been accepted (the amendment moved by Mr. Gupta) other questions of reasonableness will also be considered. But all these are entirely questions of fact. When we provide for summary trials as suggested and then we provide appellate jurisdiction, it should be remembered that the higher court will deal with questions of law and will interfere only when there is an error or misdirection in the lower court.

**Mr. President:** I am afraid the Honourable Member has in view the cases of revision which are ordinarily permissible under the Code of Civil Procedure. These will stand on a different footing from appeals.

**Mr. Sasanka Sekhar Sanyal:** If really appeal power which is different from and independent of revisional power is proposed to be given, the words have to be recast. That is my submission.

**Mr. President:** The wording as it stands is not clear to me. In fact I wanted to raise that point. The Honourable Member may make his suggestion.

**Mr. Sasanka Sekhar Sanyal:** My fear is that on the question of facts it is very difficult to unsettle the decision of summary courts unless the superior court is to be given the power to reopen questions of fact. There are several points involved. The original trial court will not record evidence *in extenso*.

**Sjt. N. V. Gadgil** (Bombay Central Division: Non-Muhammadan Rural): The substance is recorded.

**Mr. Sasanka Sekhar Sanyal:** Substance means a little portion and then so far as the other witnesses are concerned "as above, as above" is recorded. Therefore the evidence which is recorded will practically be the gist of the impression made upon the mind of the judge by the bulk of the witnesses. The appeal court is entirely at the mercy of the impression of the lower court.

Coming to the decisions of the summary courts, it is known to every body, including yourself, Sir, that summary trials are different from other trials in this respect that 90 per cent. of the cases are decided in favour of the

applicants. My friend, Mr. Chundrigar yesterday claimed to be a lawyer and I recognise his claim. I appeal to him also to understand that in criminal trials a summary trial means a summary conviction, except in very exceptional cases where there is an acquittal as in the case which my friend Mr. Rohini Kumar Chaudhury related, where the wife came to the rescue of the husband.

Coming to the safeguards I will give only one example as to how trials take place. There was a suit for a handnote. I happened to be a junior for the defendant in a case. The plaintiff's claim was based on a handnote for a sum of rupees. The plaintiff was a Kabuli and illiterate. He could not read Bengalee in which the handnote was written. There was no witness to attest the payment. Every thing was finished. The plaintiff's pleader went away in despair and in the verandah of the court there was a tussle between the plaintiff and his pleader. The former thought that the latter was incompetent. The suit was taken up at 2 p.m. and at about 2-30 p.m. I was anxious to know what happened to my client's case. I went in and heard that a decree was given for paddy. It is an extreme case no doubt but things are done so more or less in a summary fashion. If you take statistics you will find that in the civil, criminal or revenue court 95 per cent. of the cases are decided in favour of the applicant, plaintiff, petitioner or complainant. If we really mean to give a right of appeal to the aggrieved party, the least that we ought to do is to give a regular procedure. Even in this Bill in the case of criminal prosecution for *pugri* money it is not left to summary trial. I want the attention of the Honourable Member in charge to the fact that so far as prosecutions of either landlords or tenants are concerned in the matter of *pugri* money no recourse is had to summary proceedings but it is left to ordinary trials. If we are giving the benefit of ordinary trial to the parties in a criminal matter like unfair premium, why in the same Bill we are having recourse to summary trials in the matter of enhancement of rent. Therefore, Sir, let us not only have an appeal but a provision for regular trial.

**Sri T. V. Satakopachari** (Tanjore cum Trichinopoly; Non-Muhammadian Rural): Sir, I am afraid I am unable to agree with my lawyer friend's suggestion. If you really want a speedy justice in all these matters, it is better that there is summary procedure and I do not think that really a Small Causes Court is careless in the disposal of cases. So far as my Province is concerned I have found them to be presided over by experienced judges. We have judges of a particular cadre and a particular length of service and not junior munsiffs to preside over Small Cause Courts. We want on the one hand speedy justice and on the other hand we want also that parties to causes should as far as possible be safeguarded and they should have the services of an experienced lawyer at their disposal. In the interests of both sides I think it is better that appeals and second appeals are not allowed. As a matter of fact there are some tenancy laws like the Madras Estates Land Act in the Madras Province. The trial in the first instance is held by a Deputy Collector in the division or the district. They are suits of a summary nature and the evidence is not recorded but notes of evidence are taken. At the same time there are appeals provided for and the appeals are regular affairs. There are not only first and second appeals, there are also appeals to the Privy Council and some of them have laid down the law in no unmistakable terms. There have been classic judgments on appeals from such summary trials. I would say that speedy justice requires a summary procedure to be adopted and at the same time an appeal should be given. The jurisdiction to try suits of a particular nature is defined in this clause and if necessary a safeguard may be imposed that the judge who presides over such courts ought to be of such and such length of service or qualification. That I believe would be sufficient to assure my friends that correct justice is done to the parties.

**Sjt. N. V. Gadgil**: I would suggest to the Government to consider seriously

whether the landlord should be so much helped as to secure for him a summary decision. Would it not be better to go back to the original provisions contained in the Bill as it was introduced, *viz.*, clauses 12, 13 and 14?

**Lala Deshbandhu Gupta** (Delhi: General): (The Honourable Member spoke in Hindustani. For Hindustani text see Appendix to the Debates for the 21st March 1947. English translation given below.—*Ed. of D.*)

Sir, My object by this amendment is that as restrictions have been placed on the landlords there must be some sort of assurance on this head at least that legal proceedings will not be dragged for years at a stretch. This Act is being enacted for two years. There are cases pending in the court for the last many years and thousands of rupees are spent by the parties. For this very object the following provision is made in Khan Abdul Ghani Khan's amendment: "shall be appealable to the Court of Justice." I take it that in appealable cases all the necessary evidence will be taken. Therefore, if desired it may be put like this: "suitable evidence may be recorded". I think this will carry out the object otherwise in the face of the two years' limitation the Civil Procedure Code has no meaning.

**Mr. B. K. Gokhale**: Sir, the provision in the original Bill was contained in clauses 12, 13 and 14. In clause 12 we had provided that ordinarily all suits for eviction should go to the ordinary civil court, except as may be otherwise provided by rules made under the next clause. Now, the next clause gave powers to the High Court with the concurrence of the Chief Commissioner to:

"Make rules to determine the classes of courts which shall have power to hear and decide original cases, appeals and applications for revision and to deal with execution proceedings under this Act and the procedure to be followed by them." "(2) The power conferred by sub-section (1) shall include power to determine in what circumstances the parties shall have a right to appeal or apply for review or revision in cases under this Act, and further to determine how and by what authority, it shall be decided whether any particular case shall be deemed to be a case under this Act. (3) All rules made under this section shall be published in the official Gazette."

The next clause provided that:

"The provisions of this Act and of any rules made under section 13 shall, in respect of any case under this Act, have effect notwithstanding anything to the contrary in the Code of Civil Procedure, 1908, or any other law."

That was a very comprehensive and flexible provision which would have allowed the High Court and the Chief Commissioner between them to allow several variations and to provide a speedy procedure, a very expeditious method of dealing with other complicated cases. That we thought, Sir, was a very salutary provision. But when the matter was discussed in Select Committee the majority of members felt that all these provisions should be given up in favour of the ordinary Small Cause Courts. Therefore the clause as it now stands in the revised draft came to be inserted in place of the original three clauses. I must confess that I was very unhappy with this clause; and since the Select Committee Report we have been having discussions and an amendment has been tabled which I would have accepted but for the debate which has now taken place which has changed the whole aspect of things. That amendment provided that in all eviction cases, there should be an appeal to the District Judge. That would have partly met the difficulty, but I quite see that it does not wholly meet the situation. A Small Cause Court does not record evidence and an appeal may be infructuous. I quite see the difficulty, and I am perfectly willing to be guided by the wishes of the House. If the House so desires, I suggest that we go back to the original three clauses in substitution of the present clause; but I leave myself entirely in the hands of the House.

I would just like to add that the actual amendment which has been moved by Miss Kara cannot possibly be accepted as it stands, because the wording requires many changes.

**An Honourable Member**: You may recast the wordings as you like.

**Miss Maniben Kara:** In view of the speech of the Honourable Member, if he is willing to restore the original clauses, I would be willing to withdraw my amendment.

**Mr. President:** I am not prepared to entertain a conditional application for leave to withdraw the amendment. It must be absolute. For aught I know the Honourable Member may change his mind or he may not have made up his mind. The position therefore is that the amendment is before the House.

I was just considering as to whether in substance, though not in form, the amendment is different from the opposition to the clause. If the idea is to have concurrent jurisdiction, the Small Cause Court will also have jurisdiction in certain classes of cases. If the idea is to have something intermediate, then the previous procedure is there. I do not wish to express my opinion any further except to say that the Small Cause Courts are rather treated unjustly in the course of this discussion.

**Sjt. N. V. Gadgil:** Will you permit me, Sir, to move that for clause 14, the original clauses 12, 13 and 14 be substituted?

**Mr. President:** I am afraid they will have to be put together as one section. Is the House substantially agreed on that?

**Lala Deshbandhu Gupta:** With your permission, Sir, I would still oppose the suggestion that has been made now. I am quite agreeable to the suggestion that so far as eviction cases are concerned they may be appealable or they may be tried by ordinary court. So far as the question of payments is concerned I do not think it would be fair to the landlords to send those cases again to the civil court. That has been the chief complaint of the landlords—that their rents have not been realised for years. When we have tightened up the landlord so much I do not therefore think it is fair that we go back to the same lengthy procedure of taking those cases to the civil court. My friend Mr. Sanyal was also of that opinion. Therefore I would limit this question of eviction only to the civil courts and not the entire case. That has not been the demand at all. If we leave the question of framing the rules to the Local Government, it means that we will be reviving the Rent Controllers' regime. Up till now all these cases have been tried by the Rent Controller and the Rent Controller invariably has not been even a judicial man. Therefore I say we must define it definitely that all cases except the eviction cases go to the Small Causes Court.

**Mr. President:** If it is permissible for the Chair to make a suggestion, what appears to me to be the position is this. I do not know anything about the constitution and the jurisdiction of the Small Causes Courts in the Provinces of Delhi and Ajmer-Merwara. But from what I know from Bombay, all money suits will be cognizable by the Small Causes Court. All suits for eviction will be outside the scope of the Small Causes Court. I do not know whether the position here is identical and perhaps the Secretary for the Legal Department may be able to enlighten us as to what the position is. If that is so, then I think there is a substantial agreement in the House, as I see that all suits for rent may go to Small Causes Courts and suits for eviction may go to ordinary courts. If that is the consensus of opinion in the House, unless the Small Causes Court in Delhi can also take cognizance of suits in respect of immoveable properties, the best course seems to be to drop this clause.

**Sreejot Rohini Kumar Chaudhuri:** Under the ordinary law a rent suit, however small, is not triable by a Small Cause Court.

**Mr. President:** That is not so. I can definitely say about Bombay. It all depends on the legal position and the jurisdiction of the Court of Small Causes in the provinces of Delhi and Ajmer-Merwara.

**Sri T. V. Satakopachari:** The Presidency Small Cause Court Act I believe applies to Delhi also.

**Mr. President:** We must pass this Bill by 4-30 or 5 p.m. If the Honourable Member for Government is agreeable, what I would suggest is this. Let us now go on to clause 15 and the further provisions of the Bill. In the meanwhile the Department may look into the position about the jurisdiction of the Small Cause Courts. If the legal position is found to be that the Small Cause Courts will have no jurisdiction whatever in the matter of eviction and will have jurisdiction only in matters relating to pecuniary claims, then the matter will have to be reconsidered.

**Mr. Shavar A. Lal** (Government of India: Nominated Official): This may be held over for some time.

**Mr. President:** Very well. I am now proceeding with clause 15.

The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

The First Schedule was added to the Bill.

**Mr. President:** The Second Schedule. There are amendments to this.

**Miss Maniben Kara:** Sir, with your permission I shall move Nos. 44 and 45 together. They are inter-related. I move:

"That in Part A of the Second Schedule to the Bill, part (c) (ii) of paragraph 1 be omitted"; and

"That in Part A of the Second Schedule to the Bill, in paragraph 2 for the words and figures '2nd day of June 1944', the words and figures '1st day of November, 1939' be substituted."

The clause as it stands means that those houses which have been built after the Rent Control Bill of 1939 and between 1940 and 1944 will be subjected to the increment under this Bill. My contention is that when the rents were controlled in 1939 they were controlled taking into consideration the scarcity of place and also the difficulties of getting material. 1939 was regarded as a standard rent year after taking into consideration the scarcity of place and various other difficulties. Buildings that were built after that time were already charging or have charged high rents. I definitely know that those buildings that were put up in 1941, 1942 and 1943 were free of any control and that being the case there was nothing to prevent the landlords from charging any rent they liked, taking advantage of the scarcity of the place. One of the reasons for the heartburning among the landlords is that the rent of a house which was rented till 1939 was fixed, and in the case of houses built in the same vicinity, if not next door, the rents are three or four times more. Now, in the case of those people who are already paying four times more, you are allowing a further increase. This will not be fair in the cases of those tenants who first rented houses after 1939. The argument put forward is that we are excluding those buildings which were built after 1944. But there are other reasons for their exclusion. Assuming that a house in 1939 was rented for Rs. 50 and a similar house built in 1940 or 1941 is already charged something like Rs. 100, will it be right to say that people paying Rs. 100 should also pay increased rent according to the present Bill? I therefore suggest that all the houses that were built before 1944 should not be subjected to this increase and the rents should be increased only in those cases where the landlords were not allowed to have any increment on account of the rent control in 1939. The reply given to one of the suggestions made by Mr. Joshi yesterday was that if an exorbitant rent was charged, then it was open to the tenant to go to the Rent Controller and have a proper rent

fixed. We all know that the tenants are neither educated nor have they the time to go to the Rent Controller.

**Mr. President:** The Honourable Member is going over the same ground which has been dealt with once or twice already. The understanding was that amendments were to be put and explained shortly.

**Miss Maniben Kara:** I just wanted to point out the two cases and bring to the notice of the members that the assumption that the rents were the same in both cases is not true. It will not be right for us to only exclude houses built after 1944 and allow the rent to be increased for those buildings that were built between 1940 and 1943. I, therefore, suggest that those buildings also should be excluded because we all know from experience that the rents of those buildings are definitely higher than of those buildings that were built in 1939. With these words, I move my amendments.

**Mr. President:** Amendments moved:

"That in Part A of the Second Schedule to the Bill, part (e) (ii) of paragraph 1 be omitted"; and

"That in Part A of the Second Schedule to the Bill, in paragraph 2 for the words and figures '2nd day of June 1944', the words and figures '1st day of November, 1939' be substituted."

**Mr. B. K. Gokhale:** Sir, I am unable to accept both the amendments.

**Miss Maniben Kara:** I beg leave of the House to withdraw my amendments.

The amendments were by leave of the Assembly withdrawn.

**Pandit Mukut Bihari Lal Bhargava:** Sir, I move:

"That in Part A of the Second Schedule to the Bill, in paragraph 2, the word 'first' be omitted"; and

"That in Part B of the Second Schedule to the Bill, in paragraph 2, the word 'first' be omitted."

**Mr. President:** Amendments moved:

"That in Part A of the Second Schedule to the Bill, in paragraph 2, the word 'first' be omitted"; and

"That in Part B of the Second Schedule to the Bill, in paragraph 2, the word 'first' be omitted."

**Mr. B. K. Gokhale:** Sir, I accept both the amendments.

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

"That in Part A of the Second Schedule to the Bill, in paragraph 2, the word 'first' be omitted"; and

"That in Part B of the Second Schedule to the Bill, in paragraph 2, the word 'first' be omitted."

The motion was adopted.

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

"That in Part A of the Second Schedule to the Bill, in part (a) of paragraph 3, for the figures '12½ per cent.', the figures '6½ per cent' be substituted.

Sir, as you will see, I have not cared to move any amendments in the increase of rent of those people whose capacity to pay has also increased. My amendment will only affect those people who are paying Rs. 25 a month and below. The argument advanced yesterday by many of my friends here was that the earning capacity of the workers has increased because they are getting the dearness allowance and higher wages. I can say from my experience of working in the labour that the real wages of the workers have fallen. If the workers are receiving more wages, they are not being paid equal to the cost of living which has increased by 250 per cent. It is not right to say, therefore, that the workers are getting more. I, therefore, feel that the 6½ per cent. increase for the poorer strata of the people may be accepted by my Honourable friend.

**Mr. President:** Amendment moved:

"That in Part A of the Second Schedule to the Bill, in part (a) of paragraph 3, for the figures '12½ per cent', the figures '6½ per cent' be substituted."

**Mr. B. K. Gokhale:** Sir, I am unable to accept the amendment.

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

"That in Part A of the Second Schedule to the Bill, in part (a) of paragraph 3, for the figures '12½ per cent', the figures '6½ per cent' be substituted."

The motion was negatived.

**Mr. President:** Mr. Deshbandhu Gupta.

**Mr. B. K. Gokhale:** I think there is one amendment in my name which should come first.

**Mr. President:** I have got these amendments listed according to the various places in reference in the Bill itself. So, I am proceeding with the order of the Bill rather than the order in which the amendments have been printed. The Honourable Member's amendment will come next to Mr. Gupta's.

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

"That in Part A of the Second Schedule to the Bill after paragraph 4, the following new paragraph be added, namely:

5. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are used primarily as residence and partly for business or profession, the standard rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4."

**Mr. President:** Amendment moved:

"That in Part A of the Second Schedule to the Bill after paragraph 4, the following new paragraph be added, namely:

5. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are used primarily as residence and partly for business or profession, the standard rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4."

**Mr. B. K. Gokhale:** Sir, I accept the amendment, but I suggest that in place of the word 'partly' the word 'incidentally' be substituted, otherwise there will be great difficulty in certain cases.

**Lala Deshbandhu Gupta:** I have no objection.

**Mr. President:** When we are going to change the word 'partly' by 'incidentally', I think it would be better if we also change the word 'primarily' by 'mainly'.

**Mr. B. K. Gokhale:** I have no objection.

**Mr. President:** Then, I will put the amendment in the altered form. The question is:

"That in Part A of the Second Schedule to the Bill after paragraph 4, the following new paragraph be added, namely:

5. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are used mainly as residence and incidentally for business or profession, the standard rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4."

The motion was adopted.

**Mr. B. K. Gokhale:** Sir, I move:

"That in Part B of the Second Schedule to the Bill, in paragraph 2, for the words and figures '12th day of November, 1946', the words and figures '2nd day of June, 1944' be substituted"

The object is merely to correct a mistake which occurred in print.

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

"That in Part B of the Second Schedule to the Bill, in paragraph 2, for the words and figures '12th day of November, 1946', the words and figures '2nd day of June, 1944' be substituted"

The motion was adopted.

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

"That in Part B of the Second Schedule to the Bill after Paragraph 4, the following new paragraph be added, namely :

5. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are used mainly as residence and incidentally for business or profession, the standard rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4."

**Mr. B. K. Gokhale:** I accept the amendment.

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

"That in Part B of the Second Schedule to the Bill after Paragraph 4, the following new paragraph be added, namely :

5. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are used mainly as residence and incidentally for business or profession, the standard rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4."

The motion was adopted.

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

"That the Second Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Second schedule, as amended, was added to the Bill.

The Third Schedule was added to the Bill.

**Sjt. N. V. Gadgil:** Sir, I move:

"That for clause 14 of the Bill the following be substituted, namely :

14. (1) Except as may be otherwise provided by rules made under sub-section (2), any question which under this Act is to be determined by the court may be determined by any court which would have jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the question arises.
- (2) With the concurrence of the Chief Commissioner, the High Court may make rules to determine the classes of courts which shall have power to hear and decide original cases, appeals and applications for revision and to deal with execution proceedings under this Act and the procedure to be followed by them.
- (3) The power conferred by sub-section (2) shall include power to determine in what circumstances the parties shall have a right to appeal or apply for review over revision in cases under this Act, and further to determine how and by what authority it shall be decided whether any particular case shall be deemed to be a case under this Act.
- (4) All rules made under sub-section (2) shall be published in the official gazette.
- (5) The provisions of this Act and of any rules made under sub-section (2) shall, in respect of any case under this Act, have effect notwithstanding anything to the contrary in the Code of Civil Procedure, 1908, or any other law."

This substantially meets the point of view that was put forward by my Honourable friend Lala Deshbandhu Gupta because it will be left to the Commissioner and the High Court to have several categories of cases, some may be tried by ordinary procedure in ordinary courts, in some cases the procedure may be summary. Complaint was made in the course of the discussion that in the matter of eviction, there should not be summary trial, which will necessitate naturally not recording of much evidence and the consequential difficulties for the appellate court to come to any correct appraisal of the facts. I submit that the scheme that was adopted originally in the Bill and which this amendment revives should serve the purpose of those sections who have tabled various amendments.

**Mr. Sasanka Sekhar Sanyal:** What is the provision regarding rent disputes?

**Sjt. N. V. Gadgil:** Rules will be framed by the High Court with the concurrence of the Chief Commissioner.



**Mr. President:** Amendment moved:

“That for clause 14 of the Bill the following be substituted, namely:

- ‘14. (1) Except as may be otherwise provided by rules made under sub-section (2), any question which under this Act is to be determined by the court may be determined by any court which would have jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the question arises.
- (2) With the concurrence of the Chief Commissioner, the High Court may make rules to determine the classes of courts which shall have power to hear and decide original cases, appeals and applications for revision and to deal with execution proceedings under this Act and the procedure to be followed by them.
- (3) The power conferred by sub-section (2) shall include power to determine in what circumstances the parties shall have a right to appeal or apply for review over revision in cases under this Act, and further to determine how and by what authority it shall be decided whether any particular case shall be deemed to be a case under this Act.
- (4) All rules made under sub-section (2) shall be published in the official gazette.
- (5) The provisions of this Act and of any rules made under sub-section (2) shall, in respect of any case under this Act, have effect notwithstanding anything to the contrary in the Code of Civil Procedure, 1908, or any other law.’”

**Pandit Mukut Bihari Lal Bhargava:** I am afraid the amendment moved by my Honourable friend Mr. Gadgil will complicate matters. If it is the intention of the House that ordinary courts should have jurisdiction then section 14 will be amended and it may be said that the ordinary courts may have jurisdiction. It is not necessary at all that the High Court and the Chief Commissioner should frame rules specially for trials because ordinary courts will try cases under the rules of procedure at present existing. Any further framing of rules for trial of cases will only complicate matters and the tenant will be put to great hardship. I submit, Sir, that this amendment does not help matters.

**Mr. President:** I shall state for the purpose of clarification what the Honourable Member Mr. Gadgil stated in his amendment and what his object is. I am not examining the position as to how far that object has been achieved by the language of the amendment. I am putting the substance of his amendment and I hope the House will try to follow and I trust that Mr. Gadgil will also try to follow and correct me if I am wrong. Already, as a result of much discussion on this clause and on the amendment of Miss Maniben Kara, opinion was expressed that while it was the desire that all suits for eviction and other purposes should be decided expeditiously, it was feared that if the procedure was summary, the parties may not get justice. In summary proceedings, even provision by way of appeal would really not carry matters far, because the record will not be sufficient to enable the appellate court to form a judgment. It was also agreed substantially that, so far as eviction was concerned, the matter may go to ordinary court, but in any case the decisions should not be delayed. Those suits should be disposed of expeditiously. The present amendment is trying to meet all points of view by giving the High Court power to make certain rules, of course in consultation with the Chief Commissioner, and by those rules, the High Court will be able to say from time to time as occasion may require, that certain suits may be tried by such and such, and certain other suits may be tried by ordinary courts. Even in trials by Court of Small Causes, the court will follow certain rules for recording evidence in detail or summarily. That is how things are proposed to be adjusted. So far as the making of rules are concerned, I understand that the Rent Controller does not figure in the picture at all. He will have no jurisdiction. The rules should be framed by High Court for the guidance of courts subordinate to the High Court so that the matter will be handled entirely by the judicial machinery of the country under the supervision of the High Court. That is, I believe, the substance of the amendment.

Now, I will read out the amendment and Honourable Members may try to follow the amendment. The amendment is that for clause 14 the following be substituted, namely:

“14. (1) Except as may be otherwise provided by rules made under sub-section (2)—

That means of this very section in question—

“any question which under this Act is to be determined by the Court may be determined by any court which would have jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the question arises.”

Therefore the ordinary rule will be the ordinary courts, except when the High Court decides that special jurisdiction be given to special courts, that too by rules made, not by orders passed in individual cases.

“(2) With the concurrence of the Chief Commissioner the High Court may make rules to determine the classes of courts which shall have power to hear and decide original cases, appeals and applications for revision and to deal with execution proceedings under this Act and the procedure to be followed by them.”

That is sub-section (2) rule-making powers.

“(3) The power conferred by sub-section (2) shall include power to determine in what circumstances the parties shall have a right to appeal or apply for review over revision in cases under this Act, and further to determine how and by what authority it shall be decided whether any particular case shall be deemed to be a case under this Act.”

All the incidental questions of procedure will have to be decided by these rules.

“(4) All rules made under sub-section (2) shall be published in the official gazette.

(5) The provisions of this Act and of any rules made under sub-section (2) shall, in respect of any cases under this Act, have effect notwithstanding anything to the contrary in the Code of Civil Procedure, 1908, or any other law.”

**Khan Mohammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, I suggest that in view of the fact that this Bill is primarily for two years, if all this procedure about rule-making and publication in the Gazette, etc. is followed it may take six months; and it may be very hard on those people who want to evict their tenants on several grounds mentioned in this Bill. So I suggest that the clause as it stands may be passed and in the next day or two Government may consider it fully and get it amended in the other House, if necessary, on Monday.

**Mr. President:** The difficulty would be that the present Act expires on the 24th, and if the other House makes any amendment it will have to come again to this House for concurrence. But the answer to the point raised now is that under this clause as is put now, the ordinary Civil Procedure Code is to be followed immediately, so that even if for two years no rules are made the parties will not be at a loss so far as the ordinary remedy is concerned. The only objection to that will be that ordinary civil suits will take a long time and they may remain pending and undisposed for years together. But the present difficulty is solved; that is how the scheme of the amendment goes.

**Shri Mohan Lal Saksena:** Sir, I think this whole question was considered threadbare in the Select Committee and it was felt that because it is only a temporary measure for two years we have to provide some other procedure than what is provided for in the Civil Procedure Code. Therefore we came to the conclusion that the new provision should be there. Afterwards we considered this again and the amendment of my Honourable friend Mr. Abdul Ghani Khan was to be moved. I also gave notice of another amendment and we consulted the Honourable Member in charge. I said that with the exception of suits for eviction other suits might go to the Small Causes Court, but it was pointed out again that it was no use providing for that because it would take two years. And as this Act is meant for two years it is better to

[Shri Mohan Lal Saksena.]

say at the start that we do not want any tenants to be evicted, and the amendment of Miss Kara that evictions should be altogether eliminated from the purview of this Bill should have been accepted. Either we want that there should be some provision for eviction or there should not be. If we want that there should be provision for eviction in genuine cases we should have a remedy that should be speedy. As for the framing of rules by the High Court that takes a long time. If they go to the ordinary courts and the cases take their own course it will also take two years. So I think we should decide here and now what we exactly want. If we leave it to the High Court we only shelve the question, but in effect we are not going to give any remedy for eviction.

**Mr. President:** The Chair has no mind this way or that, whatever the views of the person occupying the Chair individually may be. I was merely trying to place before the House what at one time seemed to be an agreed thing; this amendment seemed to me to be more or less of a compromise. And therefore I suggested that this might be postponed. The only alternative is to postpone it still further and take it up on Monday; and that means delaying the whole thing,—the interests of tenants and landlords. If any further discussion on this question is to be allowed and amendments are moved formally, I have no objection.

**Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, the best thing is to pass what Mr. Gadgil has proposed and take it to the Council of State. In the meantime it may be further considered.

**Shri Mohan Lal Saksena:** What was agreed to before is better and let that be accepted. Mr. Gadgil's amendment or any other amendment after consideration may be moved in the Council of State.

**Mr. President:** I think the substance comes to this that they do not seem to be agreed even on the compromise. So the only thing is to discuss the matter and have it decided by voting. Are Government in a position to give an assurance that they will take care to see that the rules are expedited?

**Mr. Shavax A. Lal:** We can ask the Chief Commissioner to publish a draft and send it to the High Court for approval and the High Court will pass it with modifications. That will expedite the passing of the rules.

**Mr. President:** Otherwise we shall be in a very sorry plight after the 24th.

**Miss Maniben Kara:** Sir, on a point of information, I have not understood this amendment of Mr. Gadgil. I want to know whether eviction cases also will go to the Court of Small Causes.

**Mr. President:** No. Speaking strictly in terms of the law the reply will be that they will go and they will not go. As I explained, it is not the desire of any one to send eviction suits to the Small Cause Court, not even those who seek to put forward the landlords' case. So far as money cases are concerned they will go to the Small Cause Court; so far as other cases go—eviction, particularly—they will go to the ordinary courts. What this amendment seeks to do is to leave the matter entirely to ordinary courts and give the High Court, with the concurrence of the Chief Commissioner, certain rule-making powers so as to relieve congestion in the ordinary courts. If a large number of suits of that type are filed and the courts are unable to dispose them of the High Court may, by rules, say that such suits can be tried by certain classes of courts,—not necessarily by the Small Causes Court. The amendment further gives the right of rule-making for the purpose of determining the procedure, taking of evidence, etc. All these things are sought to be provided for by the rule-making power of the High Court. The High Court

will exercise that power with the concurrence of the Chief Commissioner because of administrative considerations and not because of the judicial considerations involved in the trial of suits. May I know if the Honourable Member wants to press the amendment?

**Miss Maniben Kāra:** Sir, in view of the amendment of Mr. Gadgil and as a compromise I wish to withdraw my amendment.

The amendment was by leave of the Assembly withdrawn.

**Sjt. N. V. Gadgil:** Let us know Government's views.

**Mr. President:** I think that this is an agreed amendment.

**Mr. B. K. Gokhale:** Sir, there is some disagreement about the agreed amendment, and there is some confusion. I want to make it clear that this was the original proposal which the Government first put before the House and Government are therefore prepared to accept the amendment moved by Mr. Gadgil. If anybody has any better suggestions to offer, he can do so in the Council of State. But I feel that this is the most flexible method of doing things, and on behalf of Government, we will try our best to expedite matters and see that the High Court does frame rules as quickly as possible. I shall bring to the notice of the High Court through the Chief Commissioner that it is generally the wish of this House the eviction cases should be left to be tried by ordinary courts and other cases may be tried in Small Causes Courts. Even in the Select Committee, we were rather doubtful about the availability of Small Cause Court judges in Delhi; and if the proposal as framed by the Select Committee is left in and we find that Small Cause Court judges are very few, we will be up against the same sort of difficulty. Therefore, Sir, I think it is much better under the circumstances to leave it to the High Court to decide how best these cases could be expedited.

**Khan Mohammad Yamin Khan:** Does it mean that cases of eviction will be referred to the High Court, and those cases where the tenants have not paid rent for over a year or two years and do not want to pay, would be left to the ordinary courts, and since eviction cannot take place the arrears will go on multiplying?

**Mr. President:** They will not refer to the High Court individual cases of arrears of rent.

The question is:

"That for clause 14 of the Bill the following be substituted, namely:

14. (1) Except as may be otherwise provided by rules made under sub-section (2), any question which under this Act is to be determined by the court may be determined by any court which would have jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the question arises.

(2) With the concurrence of the Chief Commissioner, the High Court may make rules to determine the classes of courts which shall have power to hear and decide original cases, appeals and applications for revision and to deal with execution proceedings under this Act and the procedure to be following by them.

(5) The provisions of this Act and of any rules made under sub-section (2) shall in respect of circumstances the parties shall have a right to appeal or to apply for review over revision in cases under this Act, and further to determine how and by what authority it shall be decided whether any particular case shall be deemed to be a case under this Act."

"(4) All rules made under sub-section (2) shall be published in the official Gazette.

(5) The provisions of this Act and of any rules made under sub-section (2) shall in respect of any cases under this Act have effect notwithstanding anything to the contrary in the Code of Civil Procedure, 1908, or any other law."

The motion was adopted.

**Mr. President:** The other amendments to clause 14 automatically drop out as this clause is substituted.

Clause 14, as amended, was added to the Bill.

**Mr. President:** Clause 1.

**Mr. Sasanka Sekhar Sanyal:** In this connection without going into my amendment, I would like to draw the attention of the Honourable Member in charge of the Bill to one lacuna which will defeat his purpose.

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

The idea is that those premises will be outside the purview of this Act which are constructed after the commencement of this Act, but the word 'completed' is very vague, because it may be that a building was tenanted even before its completion. After the commencement of this Act one room will be required to be added, or even a verandah, to show the completion after the commencement of this Act. Therefore I was suggesting that in order to avoid the object being defeated the Honourable Member should recast the provision in this way: "to any premises which is constructed after the commencement of this Act." The word 'completed' is rather vague and misleading. The amendment which stands in my name has also got a lacuna, for it suggests substitution of the word 'begun' for 'completed'. That again is vague, and in order to remedy one defect I adopted another. Therefore, I hope, Sir, the House will consider this matter, and the Honourable Member in charge will suitably amend this provision.

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

**Mr. Sasanka Sekhar Sanyal:** Sir, I have not moved my amendment. I have simply drawn the attention of the Honourable Member to one lacuna in part (a) of sub-clause (2) of clause 1.

**Mr. Deputy President:** I thought the Honourable the President had allowed the Honourable Member to move his amendment. But if the Honourable Member does not want to move his amendment, he cannot take up the time of the House for discussing the matter like this. Mr. Reddiar.

**Sri E. Venkatasubba Reddiar** (South Arcot cum Chingleput: Non-Muhamadan Rural): Sir, I move:

"That in part (a) of sub-clause (2) of clause 1 of the Bill, after the word 'Act' the words 'and which had not been let in whole or in part' be inserted."

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

"That in part (a) of sub-clause (2) of clause 1 of the Bill, after the word 'Act' the words 'and which had not been let in whole or in part' be inserted."

**Mr. B. K. Gokhale:** Sir, There will always be a number of border line cases, and it is very difficult to draw a distinction and say exactly at what stage we should stop and where new things should begin. But, I can quite see, that there may be some houses which are already let, and in order to bring in these houses which are already tenanted although they may not be completed, I am prepared to have this addition made with a slight alteration—namely 'and which have been let before the commencement of this Act'—if my Honourable friend is willing to accept this alteration.

**Mr. Tamizuddin Khan:** Sir, I beg to move:

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

'(a) to any premises the construction of which is not completed and which are not let to a tenant before the commencement of this Act, or'

This means the same thing as the Honourable Member in charge of the Bill has said. Moreover I always think it better in legislating to put things like this in the negative form than in the positive form. If we put in the positive form we unnecessarily include many things. For example, if we say, as it has been put in the Bill, that it shall not apply to any premises. . .

**Mr. B. K. Gokhale:** I accept this amendment, and I hope my Honourable friend, Mr. Reddiar will withdraw his amendment.

**Sri R. Venkatasubba Reddiar:** Sir, I beg leave of the House to withdraw the amendment moved by me.

The amendment was, by leave of the Assembly, withdrawn.

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

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

(a) to any premises the construction of which is not completed and which are not let to a tenant before the commencement of this Act, or"

The motion was adopted.

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

"That clause 1 as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

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

"That in the Long Title of the Bill, the words 'and evictions' be omitted;" and

"That in the Preamble to the Bill, the words 'and evictions' be omitted."

Generally when a title is given to a Bill it indicates the purpose of the Bill. The Bill before this House is for the control of rents. The purpose of the Bill is to control the rent. I therefore do not see any reason why we should bring the word "eviction" in the Preamble and in the Long Title. The argument in favour of the present title is that eviction clause is embodied in the Bill. There should be no harm in publishing the word "eviction" in the Preamble and the Title if the purpose of the Bill was "eviction". Since eviction comes as a consequence of a certain breach of a contract between the landlord and the tenant it should not be included in the title. The Bill is meant for the control of the rent and not for evictions. The bill has not been brought forward for the purposes of evictions. That being the case, and that being the purpose of the Bill, I think this word eviction should be taken out from the Title and Preamble. Not only it is misleading, but retaining it in the Title and Preamble will result in Courts putting a wider interpretation to eviction clause when the cases go to the court for settling of disputes. The Court will take into consideration that the purpose of the Bill was "eviction" as well as "control of the rent", which is not the purpose of the Bill as we have all understood it. From the speeches and the amendments moved, it is very clear that the members of this House are not at all anxious that there should be any eviction, but the evictions will come in the natural course. I therefore hope that my amendment will be accepted by the Honourable Member.

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

"That in the Long Title of the Bill, the words 'and evictions' be omitted;" and

"That in the Preamble to the Bill, the words 'and evictions' be omitted."

Does the Honourable Member accept this amendment?

**Mr. B. K. Gokhale:** Sir, the Bill provides for evictions and I do not see anything wrong in the title and preamble containing these two words.

**Sri T. V. Satakopachari:** There is probably a misapprehension. The preamble does not form part of the law and so it makes no difference whether the phrase is there or not. In regard to this, whenever there is a tenancy or a contract of tenancy there is a legal nexces of eviction which is consequent. There may be or may not be eviction. But there is a legal connection and eviction may result. The law as it is now passed into a statute provides for control of rent and control of evictions. My honourable friend may invite her

[Sri T. V. Satakopachari]

attention to the word 'control', which controls both the phrases, rents and evictions. Therefore, the conjunctive "and" is distributive in its effect. It is an Act to provide control for the rent and control evictions. If my honourable friend will read it like that I am sure she will be satisfied and readily agree to retain the words instead of deleting them.

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

"That in the Long Title of the Bill, the words 'and evictions' be omitted;" and  
"That in the Preamble to the Bill, the words 'and evictions' be omitted."

The motion was negatived.

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

"That the Title and Preamble, stand part of the Bill."

The motion was adopted.

The Title and Preamble were added to the Bill.

**Mr. B. K. Gokhale:** Sir, I move:

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

I am most grateful to all Honourable Members of this House for the manner in which they have co-operated with me and helped me, in spite of my inexperience and ignorance of the procedure of this Honourable House, to get through all these complicated amendments.

**Mr. Deputy President:** Motion moved:

"That the Bill, as amended be passed."

**Mr. Shavax A. Lal:** Sir, I move:

"That the word 'for' occurring at the end of part (b) (iii) of sub-clause 1 of clause 9 of the Bill be omitted."

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

"That the word 'for' occurring at the end of part (b) (iii) of sub-clause 1 of clause 9 of the Bill be omitted."

The motion was adopted.

**Shri Mohan Lal Saksena:** I want to move another amendment. There was an amendment in the name of Pandit Balkrishna Sharma and another in the name of Pandit Mukut Bihari Lal Bhargava and so I did not want to move my amendment. It was said that one of my amendment was acceptable to Mr. Gokhale and therefore I moved it. As a matter of fact there was two amendments in my name. One was which I moved and the one I wanted to move was a different one. I want to correct that mistake.

**Mr. Deputy President:** What does the Honourable Member want?

**Shri Mohan Lal Saksena:** I want to correct the accidental mistake and to move:

"That for part (f) of sub-clause 1 of clause 9 of the Bill. . . ."

**Mr. Deputy President:** Which clause is he referring to:

**Mr. Muhammad Nauman:** On a point order. Can the Honourable Member now go back and amend the Bill when we are in the third reading stage?

**Mr. Deputy President:** I am just trying to understand what he means. It is not clear to me. If it is a substantial amendment to the clause that cannot be moved. If it is a consequential amendment, it may be moved.

**Shri Mohan Lal Saksena:** There is an amendment standing in my name. It reads:

"That after part (e) of sub-clause (1) of clause 9 of the Bill, the following new part be inserted and the subsequent parts be re-numbered accordingly:

'(f) that the tenant, since the letting of the house, has built, acquired, or been allotted a suitable residential house.'

The other amendment which was moved was "since the commencement of the Act". As a matter of fact my friend Mr. Balkrishna Sharma had an

amendment saying that it should be from the 1st January 1939. I was under the impression that I was moving for a change in the date, because the House will remember that subsequently the date was changed to 1943. In another place we changed it to 2nd June 1944. I was under the impression that it was merely change of date and not "before the commencement of the Act." There are genuine cases where tenants have got houses and they have been allotted another government quarter and they are not giving it up or they have built another suitable house and are letting it out at high rents and not leaving the one rented. We wanted to cover those cases. I want to correct that mistake by changing it to "that the tenant after 2nd June 1944 has built, purchased or otherwise acquired."

**Mr. Deputy President:** I am afraid this is not a consequential amendment: it is a substantial amendment. It is unfortunate that it was overlooked but it cannot be helped at this stage.

**Shri. Mohan Lal Saksena:** Sir, the Government is agreeable to accepting the amendment.

**Mr. Deputy President:** The Government cannot alter the procedure. Even if the Government is willing, the Chair cannot allow it. At the third reading only consequential amendments can be made and it is unfortunate that such a good amendment, as far as I know, has been overlooked.

**Mr. Sasanka Sekhar Sanyal:** Sir, I reciprocate the felicitations of the Honourable Member in charge of the Bill. I am glad to tell him that we are very happy that the Bill has been considerably improved by discussion in the House and I am grateful that the Honourable Member has responded so cordially as he promised to do when he first introduced the Bill. But there I part company with him with two regrets. One is that in this Bill for the first time provision has been made that a tenant shall be ejectable for default in payment of rent only after notice within the meaning of the Transfer of Property Act has been served on the tenant. This was not the provision before under the Rent Control Order and many a tenant have not only been evicted but dispossessed on the basis of a decree, where the landlord tried to avoid receiving payment of rent and then fell upon him for default and the tenant was evicted. We cannot settle these questions now, because there was dispossession already. There are cases in which such decrees have been passed. Those decrees gave the benefit to the landlords merely on the ground that the rent was not paid in time. As was pointed by Miss Kara on many occasions a slight lack of vigilance on the part of the tenant might be responsible for non-payment. I go further than that. The landlord may keep up good relations with the tenant just to disarm his suspicion. Then after some time he might create the impression on the tenant that he could take the rent afterwards and the tenant not suspecting might not hasten to send rent. The landlord towards the end of the period might absent himself and still the tenant does not suspect thinking that the landlord will take the rent on his return. The landlord then suddenly comes and runs to the Controller and gets the tenant evicted for non-payment of rent. I am very sorry that this Bill has not made any retrospective provision for a number of those cases.

This Bill has been hard to sub-tenants in respect of the whole premises. You know under what circumstances the sub-tenants have taken their premises. They could not get the premises direct from the landlord, because the landlord has already given it to a tenant. Instead of getting the premises from the landlord, the sub-tenant nets the whole of it from a tenant. It is not his fault that he could not get accommodation elsewhere. And for this probably he had to pay plenty of money. Today this Bill has not come forward to help those parties.

With these two regrets expressed as a friend, I repeat my felicitations and I congratulate not only the member in charge but also other members of all



Mr. Sasanka Sekhar Sanyal]

parties, who have contributed to the building up of a much better Bill than it came out from the Select Committee.

**Lala Desabandhu Gupta** (Delhi: General): (The Honourable Member spoke in Hindustani. For Hindustani text see Appendix to the Debates for the 21st March 1947. English translation given below.—*Ed. of D.*) Sir, I take the opportunity to congratulate my learned friend Mr. Gokhale and to thank those friends who took interest in a Bill which related to Delhi and Ajmer-Merwara only and took interest in a Bill which related to Delhi and Ajmer-Merwara only and tried to make it as much acceptable as possible. But, Sir, I cannot leave it without saying that there are still a lot of learners left in this Bill. The Select Committee considered only two or three things. Firstly, that the landlords may get a reasonable rent in time. Secondly so far as the tenants were concerned extreme efforts were made to save them from eviction. Thus it was tried to give this security of tenancy both to tenants and sub-tenants. This security has accordingly been provided for the sub-tenants and fair rent has been fixed for them and this was necessary. Keeping in view the privileges which have been granted to the tenants and the sub-tenants it was essential to provide for speedy justice. I am sorry that my learned friend Mr. Gokhale has disregarded this point by accepting Mr. Gadgil's amendment. In their report the Select Committee had all those things in mind but now the balance has been disturbed. My friend Gadgil has taken an illegal advantage of his position as the front benches. I may point out that it was not the purpose of the Select Committee by proposing the judicial machinery of Small Causes Courts that any injustice may be done to the tenants. There are cases in my knowledge which have been pending for the last three years in the Courts and they have not yet been decided. Neither the landlord nor the tenant can be benefitted by litigation. Vakils, of course, squeeze out all the benefit and they belong to Mr. Gadgil's class. I once more repeat that Mr. Gadgil's proposal is beneficial neither to the landlord nor to the tenants and I may be allowed to say that by accepting that amendment Mr. Gokhale has not kept the agreement which he made in the Select Committee. I am, however, pleased that he has given the assurance that while writing to the High Court he will bear in mind that rules may be speedily framed not only for this but in such a manner that there may be no litigation in the Courts also. I want to make it clear that so far as eviction is concerned I strongly hold that no tenant should be evicted, nor am I in favour of the eviction of the sub-tenant. So, if only eviction cases were sent to the Small Causes Courts I will have no objection. Mr. Sanyal and Miss Kara were of the same view and I, too, was not against it. But, I understand that it is necessary to have the cases regarding rent filed in the Small Causes Court. My experience is that it takes a long time to do things. If the rules were given to the High Court for framing and the consent of the Local Government was made essential, it will take a very long time. Friends from other provinces do not know the Local Government's condition here. My friends have no idea how the orders of Government of India are acted upon here. Probably the treasury benches have a little experience as to how much co-operation they receive from the local Government. I believe that unless the Government insisted to have the rules framed as speedily as possible and in accordance with intentions of this House it will be difficult to follow them. Rent cases remain pending in the Courts for years at a stretch. I do not find it necessary to go in details into reports heard about rent cases and about the officers making money out of the rent control cases. Every person in Delhi tells these stories. I do not like that such things should be possible under this Act. For these reasons the proposal of Small Causes Courts was made. The House has, however, rejected it and I feel sorry for it. I hope that the assurance now given by the Government will be adhered to.

Sir, I have to say one or two more things in this connection. Firstly, we

have not been able to make any exceptions with regard to the properties owned by widows or orphans or public institutions. Secondly, we have provided for the vacation of business premises, notwithstanding that many hard cases came before us. Recently a case has been brought to my notice. A person who had rented a part of his property to a businessmen wanted to get it vacated. He offered Rs. 10,000 to the tenant in this connection but the tenant gave it to another and received Rs. 19,000 from him. Knowing the case I opposed the provision of eviction in the case of business premises because it can be abused. The landlords harass the businessmen without any reason. For that reason I opposed it although I wanted that something should be done for hard cases as stated by me. I have sympathy for landlords who want to get their property vacated for the extension of their own business; but we were in minority and so could make no provision for it. Secondly, I sympathize with people who are landlords and have tenants in their residences. Many cases have been brought to my notice where landlords and tenants living in one and the same house have strained relations. Since landlords cannot get their houses vacated many tenants can harass their landlords. I wanted to have some provision made for such cases so that in special cases the landlords may get their houses vacated from unpleasant tenants. The point was considered in the Select Committee but to avoid abuses we kept quiet. Now, that this Bill is to take the form of an act it was my duty to invite your attention to all these lacunas. In spite of these I think it is a fair measure for landlords, tenants and sub-tenants. No matter how fair a measure is it cannot be useful until the landlords and tenants observe the fact that they have to live together and these days of trouble mutual tolerance is necessary. Sir, I think the greatest evil which the War has inflicted is universal corruption and tension in mutual relations. Landlords and tenants who had always pleasant relations have lost those relations and there is now ill-feeling among them. The Honourable Members must have made an estimate of this by those deputations of both parties which waited upon them. This bad situation is a product of War. If the landlords and the tenants will try to understand each other's view-point, know of each other's difficulty they will have but very little need of resorting to this Act.

Sir, in conclusion I once more thank the Government and those members of the House who, though they had no direct connection with this bill, took interest and pains in its deliberations. I hope that the Bill will fulfill the purpose for which it has been enacted.

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

"That the Bill, as amended be passed."

The motion was adopted.

**Mr. Sasanka Sekhar Sanyal:** Sir, it was decided that the House should sit late only for the purpose of passing the Rent Bill.

**Mr. Deputy President:** The Honourable the President has said that it must be finished by half past four, and the Honourable Members who have spoken after half past four ought to have known it before that.

**Mr. Sasanka Sekhar Sanyal:** May I make the position clear? In the morning the idea was that the Rent Control Bill must be finished and for that, if necessary, we must sit till six. In the afternoon when we were in the midst of discussion, the Honourable the President was pleased to give out  
5. P. M. that it should be finished before 4-30. It was an expectation and we respected that expectation by cutting short many of the discussions.

**Mr. Manu Subedar:** In the morning the Honourable the Leader of the House said that if the other two Bills could also be finished he would be happy. Therefore the motion by the Honourable the Commerce Member merely to refer the Bill to Select Committee is something about which it behoves this House to keep patient and permit him to do so.

## CONTROL OF SHIPPING BILL

**The Honourable Mr. I. I. Chundrigar** (Commerce Member): Sir, I beg to move:

“That the Bill to provide for the control of shipping be taken into consideration.”

I am aware that notice has been given to refer this Bill to a Select Committee and I am going to accept the reference to Select Committee. I think the House will not, therefore, require a long statement from me on the objects of the Bill. I may mention that control on shipping was exercised during the war through the powers vested in Government under Rule 65 of the Defence of India Rules. When the Defence of India Rules ceased to be in force on the 30th September 1946, these powers were continued by Ordinance No. XX of 1946. The powers under this Ordinance will expire on the 25th of March 1947. It is therefore proposed that sub-clause (3) of clause 1 of the Bill should be amended to provide that this Bill shall be deemed to have come into force from the 25th of March 1947.

Coming to the object of the Bill I may mention that abnormal conditions existing even now require that the movement by sea of certain essential commodities like coal, foodstuff and other essential cargoes should be controlled. This was being done under a system of licensing and the same method has been suggested in clause 3 of the Bill. I have received some telegrams from the shipping companies concerned in this connection and it appears that they want to clear some doubts as to whether the provisions of this Bill will be used in any manner for preventing the Indian shipping companies from taking their due share in the overseas trade. I want to make it perfectly clear that far from discouraging the Indian shipping companies from taking their share in the overseas trade, it is the policy of the Government to encourage them to have more share in the overseas trade and Government give the assurance that the provisions of this Bill will not be utilised for the purpose of restricting their activities.

Another important provision made in the Bill is about the control over fares and freight rates. These provisions have been introduced with a double object in view. The fixation of fares and freight rates will be used on the one hand for the prevention of the exploitation of the public by the shipping companies and on the other hand to prevent rate wars and other forms of wasteful competition which may be used against the Indian shipping companies by certain other non-Indian shipping companies.

These in brief are the main objects with which this Bill has been introduced in the House. A few changes have been made in the provisions which were in force before. The Defence of India Rules apply to all the vessels, while this Bill will apply only to vessels of not less than 150 tons. One point raised by the Indian shipping companies is whether their representatives will be given a hearing before Government takes a final decision about the fixation of the rates and fares. I do not know how any doubt can be entertained on this subject, as Government must necessarily hear the parties concerned before reaching their decision and the most valuable information can certainly be had from the shipping companies themselves. They will be given a hearing before the Government decision is reached. Sir, I move:

**Mr. Deputy President:** Motion moved:

“That the Bill to provide for the control of shipping be taken into consideration.”

**Sri R. Venkatasubba Reddiar** (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Sir, I move:

“That the Bill be referred to a Select Committee consisting of Sjt. N. V. Gadgil, Sri T. V. Satakopachari, Pundit Thakur Das Bhargava, Mr. M. A. F. Hirtzel, Mr. Ahmed E. H. Jaffer, Mr. Tamizuddin Khan, Dr. P. G. Solanki, and the Mover, with

instructions to report on or before the 5th April 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

"That the Bill be referred to a Select Committee consisting of Srs. N. V. Gadgil, Sri T. V. Satakopachari, Pundit Thakur Das Bhargava, Mr. M. A. F. Hartzel, Mr. Ahmed E. H. Jaffer, Mr. Tamizuddin Khan, Dr. P. G. Solanki, and the Mover, with instructions to report on or before the 5th April 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 24th March 1947.