

THE 50.
LEGISLATIVE ASSEMBLY DEBATES
Official Report

Volume V, 1947

(10th April, 1947 to 12th April, 1947)

THIRD SESSION
OF THE
SIXTH LEGISLATIVE ASSEMBLY
1947



LEGISLATIVE ASSEMBLY

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.

Shrimati AMMU SWAMINADHAN, M.L.A.

Secretary :

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.

CONTENTS

Volume V—10th April, 1947 to 12th April, 1947.

THURSDAY, 10TH APRIL, 1947,—

Member Sworn	3225
Starred Questions and Answers	3225—42
Unstarred Question and Answers	3242—43
Short Notice Questions and Answers	3244—48
Message from the Council of State	3248
Election to Standing Committee for Legislative Department	3248
Election to Standing Finance Committee	3248—49
Election of a Member to Standing Committee for Information and Broadcasting Department	3249
Election of a Member to Standing Committee for Commerce Department	3249
Election of a Member to Standing Committee for Food Department	3249
Draft Instrument of Amendment to the Constitution of the International Labour Organisation Adopted by the International Labour Conference—Laid on the table	3249
Election of a Member to Standing Committee for Labour Department	3249—50
Indian Coinage (Amendment) Bill—Passed	3250—76
Capital Issues (Continuance of Control) Bill—Discussion on the motion to consider not concluded	3274—83

FRIDAY, 11TH APRIL, 1947,—

Starred Questions and Answers	3285—3328
Unstarred Question and Answer	3323—24
Short Notice Question and Answer	3324—25
Motion for Adjournment, <i>re</i> Unsatisfactory Reply to Question <i>re</i> Strike of Workers and Marine Operatives of Calcutta Port—Disallowed	3326—27
Election of a Member to Standing Committee for Labour Department	3327
Hindu Code—Introduced	3327
Capital Issues (Continuance of Control) Bill—Passed as amended	3327—33
Resolution <i>re</i> Ratification of Peace Treaties with Italy, Roumania, Bulgaria, Hungary and Finland—Adopted	3334—39
Taxation on Income (Investigation Commission) Bill—Passed as amended	3339—63
Election of a Member to Governing Body of Indian Research Fund Association	3342
Railway Accommodation for Members of Legislative Assembly on termination of Budget Session	3342

SATURDAY, 12TH APRIL, 1947,—

Members Sworn	3365
Starred Questions and Answers	3375—78
Statements Laid on the Table	3378—80
Short Notice Questions and Answers	3390—94
Message from the Council of State	3394
Election of a Member to Governing Body of Indian Research Fund Association	3395
Dentists Bill—Introduced	3395
Antiquities (Export Control) Bill—Passed	3395—3403
Coal Mines Labour Welfare Fund Bill—Passed as amended	3403—23
Minimum Wages Bill—Referred to Select Committee	3423—24
Central Excises and Salt (Amendment) Bill—Referred to Select Committee	3424—29
Indian Army and the Indian Air Force (Amendment) Bill—Referred to Select Committee	3430—31
Statement of Business	3432
Negotiable Instruments (Amendment) Bill—Passed	3432
Indian Boilers (Amendment) Bill—Passed as amended	3433
Pantheoplyda Laws (Amendment) Bill—Passed as amended	3474—35
Indian Medical Council (Amendment) Bill—Passed as amended	3485—37

CORRIGENDA

In the Legislative Assembly Debates, Budget Session, 1947,

Volume I—

1. No. 1, dated the 3rd February, 1947,—

- (i) page 29, for the folio heading "STATEMENTS LAID ON THE TABLE" read "STARRED QUESTIONS AND ANSWERS";
- (ii) page 30, in heading to starred question No. 36 delete "AREA";
- (iii) page 44, for existing lines 22 and 23 (in italics), read "Seth Yusuf Abdoola Haroon's Supplementaries to Sardar Mangal Singh's starred question No. 51, of 29th October, 1946.";
- (iv) page 45, line four from bottom, for "FIRMAS" read "FIRMS";
- (v) page 52, in heading to statement in reply to question No. 518(a), for "LIST" read "LISTED"; and in heading to statement in reply to Question No. 520(a), for "IN" read "ON";
- (vi) page 54, in the statement in reply to Pandit Sri Krishna Dutt Paliwal's Starred Question No. 583, against (d), for the figures "21,338" read "23,944"; and under the heading "MOTIONS FOR ADJOURNMENT", interchange the second and the third lines of the observations made by Mr. President, for the first time;
- (vii) page 64, insert an asterisk (*) at the end of line two under the heading "PAPERS LAID ON THE TABLE" and give a corresponding footnote, viz., "*Not printed in these Debates. Copies placed in the Library of the House.—Ed. of D.".
- (viii) page 67, interchange the second and the third lines.

2. No. 3, dated the 6th February, 1947,—

- (i) page 169, in heading to starred question No. 67, for "COMMUN" read "COMMUNAL";
- (ii) page 224, in the footnote, for "614" read "628";

3. No. 4, dated the 7th February, 1947,—

- (i) page 243, in heading to starred question No. 110, insert "off" after "EMPLOYEES";
- (ii) page 257, line 19, insert "of" after "them";

4. No. 5, dated the 10th February, 1947,—

- (i) page 377, insert "EXERCISE" between "TEMPORARY" and "DUTY" in the folio heading;

5. No. 6, dated the 11th February, 1947,—

- (i) page 419, line one, for "AND" read "OF";
- (ii) page 420, under the heading "PAPERS LAID ON THE TABLE" insert an asterisk (*) after "copy" and give a corresponding footnote viz., "*Not printed in the Debates. Copies placed in the Library of the House.—Ed. of D.".
- (iii) page 450, line 25, for "explicitly" read "explicitly";

6. No. 7, dated the 12th February, 1947,—

- (i) page 514, line 14 from bottom, for "be" read "he";
- (ii) page 515, line 22, for "but" read "bus";
- (iii) page 521, line 22 from bottom, for "aerodromes" read "aeroplanes";

24. No. 3, dated the 12th March, 1947,—

- (i) page 1746, line five from bottom, for "game" read "same";
- (ii) page 1747, in heading to starred question No. 867, for "DEPUTATION" read "DEPUTATION" and insert "IN" after "EMPLOYED";
- (iii) page 1769, in the statement in the column under "Result", in the first item add "Bus" after, "G.N.I.T.";
- (iv) page 1773, in the tabular statement, in column under "Results", against S. No. 45, in item 3, after "burning" read "of termi-";
- (v) page 1798, line 23, for "motions" read "motion";
- (vi) page 1807, delete line 19 from bottom;
- (vii) page 1820, line 13 from bottom, for "do" read "does";

25. No. 4, dated the 13th March, 1947,—

- (i) Pages 1825, and 1827, change the folio heading to read "STARRED QUESTIONS AND ANSWERS";
- (ii) page 1843, line 26, for "on seeds" read "oilseeds";
- (iii) page 1853, in heading to starred question Nos. 929, for "MOGHULPUAB" read "MOGHALPURA";
- (iv) page 1856, in the second statement, for last entry in fourth column read "5413";
- (v) page 1858, in the Editorial remark against the name of Chaudhri Sri Chand, in the third line after "the" insert "13th March, 1947";
- (vi) page 1885, in line three of the speech of Mr. Manu Subedar under "DEMAND NO. 22-FINANCE DEPARTMENT" for "out" read "out";
- (vii) page 1888, line three, for "uptil" read "until" and in line 30, for "Charter" read "barter";
- (viii) page 1894, line seven, for "twi" read "two";
- (ix) page 1896, in the marginal space left blank insert "5 P.M.";

26. No. 5, dated the 14th March, 1947,—

- (i) page 1934, for "DEMAND NO. II-CABINET" read "DEMAND NO. II-CABINET";
- (ii) page 1943, line 15, delete "he";
- (iii) page 1950, line 20, insert "may" before "quote";
- (iv) page 1954, line 21, for "by" read "of";
- (v) page 1962, interchange the motions for demands printed under heads "DEMAND NO. 33-ADMINISTRATION OF JUSTICE" and "DEMAND NO. 34-JAILS AND CONVICT SETTLEMENTS";
- (vi) page 1964, under "DEMAND NO. 60—INDIAN DAIRY DEPARTMENT", in line three, for "Miscellaneous Departments" read "Indian Dairy Department";

27. No. 6, dated the 17th March, 1947,—

- (i) page 1967, in the heading to starred question No. 889, for "INCOME TAX" read "INCOME";
- (ii) page 1992, in heading to starred question No. 992, add "MUSLIMS", in the beginning;
- (iii) page 2010, in last but one line, for "contaidis" read "contains" and in the last line, for "ac" read "lac";
- (iv) page 2028, line 22 from bottom, for "explicitly" read "explicitly";
- (v) page 2047, last but one line for "against" read "again";

28. No. 7, dated the 18th March, 1947,—

- (i) page 2083, line 12 from bottom, for "whose" read "those";
- (ii) page 2084, in the last line, against "Mr. K. L. Punjabi" read "Yes, Sir.";

29. No. 8, dated the 19th March, 1947.—

- (i) page 2132, line ten from bottom, *insert* a dagger mark (†) *before* the figure '1040';
- (ii) page 2136, line one, *for* "OCEDURE" *read* "PROCEDURE" and in line 17 from bottom *for* "†" *read* "‡" *before* the figure No. "1046";
- (iii) page 2164, last line, *for* "office" *read* "officer";
- (iv) page 2168, at the bottom, in the marginal blank space, *for* "P. M." *read* "3 P. M.";
- (v) page 2169, in line, nine from bottom, *after* "corrected" *change* the comma into a fullstop and in line eight from bottom, *for* "his" *read* "this";
- (vi) page 2185, line 3 from bottom; *for* "due the be combination" *read* "due to the combination";
- (vii) page 2186, line 22 from bottom, *for* "vouche" *read* "vouch";

30. No. 9, dated the 20th March, 1947.—

- (i) page 2231, *delete* the first five lines and *insert* in the next line, *after* "Lala Deshbandhu Gup'a (Delhi: General);" the words "(The Honourable Member spoke in Hindustani. For Hindustani text see Appendix to the Debates for the 20th March, 1947. English translation given below.—Ed. of D. ";
- (ii) page 2239, in line 17 from bottom, *for* "clause (c)" *read* "clause (e)";
- (iii) page 2240, line nine from bottom, *for* "and" *read* "or";
- (iv) page 2245, line ten from bottom, *for* "in-" *read* "increases";

31. No. 10, dated the 21st March, 1947.—

- (i) page 2304, last line, *delete* "been";
- (ii) page 2328, *delete* the eighth line;
- (iii) page 2331, *change* the folio heading *to read* "CONTROL OF SHIPPING BILL";

32. No. 11, dated the 24th March, 1947.—

- (i) page 2355, line six from bottom, *for* "LAND" *read* "LAID";
- (ii) page 2376, line eight from bottom; *for* "the vast sub-continent" *read* "this vast sub-continent";

In Volume IV—

33. No. 1, dated the 25th March, 1947.—

- (i) page 2420, in the first line of answer to question No. 1176, *for* "Sir Borra" *read* "Sri Borra";
- (ii) page 2425, line six, *for* "ON" *read* "OF"; line seven *for* the figures "1139" *read* "1183"; and in heading to starred question No. 1185, *for* "Railway" *read* "RAIWALA";
- (iii) page 2434, line eight, *for* "soft" *read* "sort";
- (iv) page 2459, line six from bottom, *for* "pround" *read* "proud";
- (v) page 2460, line 19 from bottom, *for* "burndened" *read* "burdened";

34. No. 2, dated the 26th March, 1947.—

- (i) page 2484, line two, *insert* "has" *after* "mills";
- (ii) page 2487, in heading to starred question No. 1210, *for* "OFFICIALS" *read* "OFFICIALS"; and *for* "CENTRAL" *read* "COASTAL";
- (iii) page 2492, in heading to starred question No. 1217, *insert* "AND" *after* "IRON";
- (iv) page 2495, in heading to starred question No. 1225, *for* "CHANGE" *read* "CHARGE";

- (v) page 2503, in the folio heading, for "FOOD DEPARTMENT" read "INDUSTRIES AND SUPPLIES";
- (vi) page 2505, transpose the heading "ELECTION TO THE STANDING COMMITTEE FOR AGRICULTURE DEPARTMENT" above the line beginning with "Sir Pheroze Kharogt";
- (vii) page 2515, line 30, for "Central" read "Centrally";
- (viii) page 2517, line 11, the figures at the end should be "200";
- (ix) page 2531, last but one line, for "Practically" read "Incidentally";
35. No. 4, dated the 28th March, 1947,—
- (i) page 2616, in heading to starred question No. 1243, for "IF" read "OF";
- (ii) page 2617, in the Honourable Maulana Abul Kalam Azad's reply in Urdu, in the first line, for "س" read "س";
- (iii) page 2624, in heading to starred question No. 1252, add "OF" after "RIOTERS";
- (iv) page 2630, in line 31, for "award" read "aware";
- (v) page 2631, in heading to starred question No. 1262, for "HEBVICE" read "SERVICE";
- (vi) page 2634, in the heading to starred question No. 1265, in the first line, add at the end "BE";
- (vii) page 2637, change the folio heading to read "MOTION FOR ADJOURNMENT";
- (viii) page 2652, line three, for "hable" read "liable";
36. No. 5, dated the 31st March, 1947,—
- (i) pages 2680 and 2681, delete "(a)" after headings "STATEMENT II" and "STATEMENT III" respectively;
- (ii) page 2687, in heading to starred question No. 1269, for "POLICY RAIL re ROAD" read "POLICY re RAIL-ROAD";
- (iii) page 2690, line 24, for "on by" read "only";
- (iv) page 2691, line nine, for "or" read "on";
- (v) page 2728, last but one line, in the beginning, insert "we do";
- (vi) page 2752, in the last but one line, after "necessary" insert "to";
- (vii) page 2754, line 13 from bottom, for "particular" read "particularly";
- (viii) page 2762, line 27 from bottom, insert "upon" after "live";
37. No. 6, dated the 1st April, 1947,—
- (i) page 2773, line one above the tabular statement, for "the" read "then";
- (ii) page 2792, in last but one line, for "wounder" read "wonder";
- (iii) page 2793, line 26, for "prospects" read "prospectus";
- (iv) page 2802, line four from bottom, before "business" insert "in";
- (v) page 2824, line 21, insert "have" after "fact we";
38. No. 7, dated the 2nd April, 1947,—
- Page 2863, in the folio heading, for "INDIAN PENAL CODE" read "INDIAN RAILWAYS";
39. No. 8, dated the 3rd April, 1947,—
- Page 2936, line three, for "who," read "why";
40. No. 9, dated the 7th April, 1947,—
- (i) page 2987, line three, for "intervieded" read "interviewed";
- (ii) page 3039, delete the fifth line from bottom;

41. No. 10, dated the 8th April, 1947,—

- (i) page 3051, in heading to starred question No. 1440, for "R.I.A." read "R.I.A.F.";
- (ii) page 3116, line twelve from bottom, for "The question is:" read "Mention moved:";

In Volume V—

42. No. 1, dated the 10th April, 1947,—

page 3249, *delete* the heading at the top.

43. No. 2, dated the 11th April, 1947,—

- (i) page 3294, line one, for "ENGINEERING" read "ENGINEERS";
- (ii) page 3305, line 20 from bottom, for the existing line, read "please state if the attention of Government has been drawn to a resolution by the".

44. No. 3, dated the 12th April, 1947,—

- (i) page 3388, line 19, for "ALLOTMENT OF COAL TO TOBACCO GROWING" read "ALLOTMENT OF COAL FOR TOBACCO CURING";
 - (ii) page 3403, line twelve, for " " read " ".
-

LEGISLATIVE ASSEMBLY

Saturday, 12th April, 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.

MEMBER SWORN:

Mr. Indra Singh Puri, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

SALE OF VEGETABLE OIL PRODUCTS

1577. *Babu Ram Narayan Singh: With reference to the answer to Starred Question No. 1224 asked on the 26th March, 1947, regarding the sale of vegetable oil products, will the Secretary of the Food Department be pleased to state why the recommendation of Vanaspati Manufacturers' Association was accepted?

Mr. K. L. Panjabi: The decision on the recommendation of the Vanaspati Manufacturers' Association to permit them to sell their product directly to the consumers was reached with a view to strike a balance between the interests of the manufacturers, the consumers and the trade. The manufacturers contended that they were in a better position to ensure that the maximum possible quantity reached the *bona-fide* consumers at controlled prices and that their retail sales would not mean more profit to them as charges on account of this service will have to be incurred by them. It was felt, however, that this practice would lead to the elimination of established trade channels and would restrict the facilities to the consumers who are served by a large number of retail shops. The Controller of Vegetable Oil Products has, therefore, agreed to consider the request of the manufacturers to authorise them to conduct retail sales only upto 20 per cent. of their production. He has, however, clearly indicated that where he is not satisfied that adequate arrangements for retail sales have been made he will not grant the necessary permission.

Shri Mohan Lal Saksena: Were any steps taken to consult the consumers or the retail dealers?

Mr. K. L. Panjabi: I think the Vanaspati Advisory Committee which contains representatives of consumers was consulted before this decision was taken.

Shri Mohan Lal Saksena: May I know whether it was only the recommendation of the manufacturers or whether any complaint was received from the consumers and retail dealers about the non-supply of vegetable products on account of which this recommendation was accepted?

Mr. K. L. Panjabi: The complaints which reached us were from retailers. We thought that their province regarding the retail sale of vanaspati was being encroached upon. We had no complaints from the consumers because they had to pay the same price which they would pay to the retailers or to the factories who were retailing them.

Shri Mohan Lal Saksena: My question is this. The manufacturers made a recommendation that they should be allowed to sell retail as well. That is always the case with every manufacturer. So when the recommendation was received, did Government make any inquiries as to whether there was any basis in the complaint of the manufacturers that the vegetable products were not reaching the consumers properly?

Mr. K. L. Panjabi: I have already said that the decision was taken after consulting the Vanaspati Advisory Committee which has got representatives of consumers on it.

Shri Mohan Lal Saksena: If the Association of manufacturers of any particular article takes it into its head to recommend that they should be allowed to make retail sales, will they be allowed to do so without consulting the consumers or the retail dealers?

Mr. K. L. Panjabi: I have already said that the consumers were consulted through their representatives on the Vanaspati Advisory Committee.

Mr. President: The Honourable Member seems to ask why this consideration was initiated and at whose instance.

Mr. K. L. Panjabi: I have said that the consideration was initiated on complaints by certain retailers who thought that their province was being encroached upon.

Mr. President: The sequence is mistaken. That was after the consideration came in. The Honourable Member's point is, why was the consideration started? Why was the old order changed?

Mr. K. L. Panjabi: I am sorry I do not exactly follow and I may detail the circumstances, which were like this. The vanaspati manufacturers were entitled to charge ex-factory prices for supplying to wholesalers and the wholesalers had their prices fixed for supplying to the retailers. Complaints reached us from some of the retailers that the vanaspati manufacturers were dealing directly with the consumers and charging retail prices. On this the Vanaspati Manufacturers' Association as well as the Vanaspati Advisory Committee were consulted and, as I have mentioned, a decision was taken that provided the manufacturers have satisfactory arrangements for retailing the goods to the consumers, the Vegetable Oil Products Controller would consider their request to permit them to sell 20 per cent. of the vanaspati product directly to the consumers. I hope I have made the point clear.

Sjt. N. V. Gadgil: May I know whether it is not a fact that the rate charged by the producers was high and in order to ratify the whole thing the recommendation of the Manufacturers' Association came in later?

Mr. K. L. Panjabi: It is a *post-facto* approval; that is true.

Sjt. N. V. Gadgil: Then may I ask the Honourable Member whether he has not received a number of complaints in respect of this and specially with respect to the point that the manufacturers have included the amount of terminal tax in Delhi although they never paid a farthing to the municipality?

Mr. K. L. Panjabi: That matter has been replied to by me in a separate question; I will come to that point. Actually the manufacturer was authorised to add the terminal tax to the price that he was charging in Delhi. There were certain considerations which weighed with the Controller at that time, but that order has now been cancelled.

Sjt. N. V. Gadgil: When was it pointed out to the department that this amount of terminal tax was taken by the manufacturers although they never paid anything to the municipality, and in order to cover up the whole thing the Vanaspati Manufacturers' Association made a recommendation that they should be allowed to sell retail?

Mr. K. L. Panjabi: I do not see the connection between the two, because this particular incident happened only in Delhi and the request of the Manufacturers' Association to conduct retail sales is for the whole of India.

Shri Mohan Lal Saksena: It was otherwise.

Mr. K. L. Panjabi: In point of sequence of time it may be afterwards.

Sjt. N. V. Gadgil: If as a matter of fact the manufacturers collected the amount of terminal tax on a false representation, will the Honourable Member go into the whole question and punish the guilty?

Mr. K. L. Panjabi: I have said already that they did not collect the terminal tax. They were authorised by the Controller to increase the price of vanaspati sold in Delhi to the extent of the terminal tax which would otherwise be paid on imported products. One of the considerations which weighed with the Controller was that the factory was paying the terminal tax on oil and other chemicals imported for manufacturing vanaspati.

Sjt. N. V. Gadgil: Will the Honourable Member agree to investigate the whole matter and take the legal and logical course if the manufacturers are found guilty?

Mr. K. L. Panjabi: The matter has been investigated already and so far we have not found any one who has contravened the price control orders.

Shri Mohan Lal Saksena: Is it not a fact that while fixing the wholesale price of this vegetable product the terminal tax on oil and other articles was taken into account and they were charging terminal tax not on the oil but on the vegetable product itself, which they were not themselves paying?

Mr. K. L. Panjabi: I have already said that they were authorised to increase the price to the extent of the terminal tax which would have been paid if the vanaspati had been imported into Delhi.

Lala Deshbandhu Gupta: May I know if Government have taken any decision with regard to its future policy in respect of the manufacture of vanaspati?

Mr. K. L. Panjabi: The matter is under consideration.

Lala Deshbandhu Gupta: In view of the fact that orders to the tune of several crores of rupees have already been placed, will Government take an early decision so that these orders might be cancelled if this Government decides to stop the manufacture of Vanaspati?

Mr. K. L. Panjabi: As I have said, we will consider that point.

Babu Ram Narayan Singh: According to the previous decision of the Government, the profits of the trade were fairly distributed among the producers, distributors, wholesalers, and the retailers. Therefore what was the special reasons on account of which the Government were compelled to allow the producer to sell directly only 20 per cent. of the produce?

Mr. K. L. Panjabi: I have mentioned the reasons in my answer to the question. The manufacturers' contention was that by dealing directly they would distribute vanaspati to the *bona-fide* consumers at controlled rates in small consignments so as to prevent the misuse of Vanaspati for adulteration of ghee.

Shri Mohan Lal Saksena: Is it not a fact that before they were allowed to sell 20 per cent. of their products they were already selling in retail and it was simply to regularize that, when complaints were made by the retailers to the Governments, that the Manufacturers' Association passed this Resolution?

Mr. K. L. Panjabi: Some of the manufacturers were selling a part of their product to the consumers.

DELAY IN DELIVERY OF CLOTH QUOTA TO CLOTH RATION SHOPS IN DELHI

1578. ***Babu Ram Narayan Singh:** (a) Will the Honourable Member for Industries and Supplies be pleased to state whether Government are aware that the major portion of the quota of cloth for Delhi for the last quarter ending 28th February 1947, was given to Cloth Ration Shops only three days before the last day of the quarter with the result that a large number of permit-holders did not get their cloth, and if so, what are the reasons for the delay and who is responsible for this?

(b) In what proportion are fine and coarse cloth given to the shop-keepers and on what basis and to whom are they to be distributed?

(c) Who is the authority to classify cotton ration cloth into coarse and fine in Delhi Province and what is the basis of this classification?

The Honourable Sri C. Rajagopalachari: (a) It is not correct that the major portion of the last quarter's quota of cloth in Delhi was given to Cloth Ration Shops only three days before the last day of the quarter. The releases were as follows: December 1946—674 bales; January 1947—891 bales; February 1947 (1st half)—809 bales, (2nd half)—201 bales.

(b) Fine and coarse cloth is distributed in rotation to the Cloth Ration Shops in Delhi in the proportions in which it is received from the producing centres.

(c) The classification of cloth into fine and coarse is done by the mills on the basis of instructions issued by the Textile Commissioner. The basis of this classification is that cloth in which the count of warp yarn is up to 35s. is called coarse and above that is called fine.

Lala Deshbandhu Gupta: May I know if the Honourable Member has gone into the question of the allotment of quota for Delhi as he had promised on an earlier occasion to do and revised the quota for Delhi in view of the fact that Delhi is getting *per capita* much less cloth than Bombay and Calcutta as was pointed out by me?

The Honourable Sri C. Rajagopalachari: It was pointed out by the Honourable Member that Delhi was having a disadvantage because its rural population was small. I did not accept the suggestion of revision, but I promised to look into it. The whole of the Delhi quota procedure is being looked into, but as to the quantum I have not seen any reason to alter it.

Babu Ram Narayan Singh: Is there any method by which Government comes to know whether all the cloth given to the shopkeepers is sold to the ration card holders?

The Honourable Sri C. Rajagopalachari: I think the question means whether Government have any means of knowing if irregular practices are indulged in. Government cannot compel a sale. Government can only prevent an irregular practice if they detect it, and I may inform Honourable Members that recently there have been some investigation raids in the cloth shops and some people have been prosecuted, or are about to be prosecuted for it.

Mr. Sasanka Sekhar Sanyal: What is the position of the quota if that is not drawn within the quarter on account of the difficulties as suggested in this question?

The Honourable Sri C. Rajagopalachari: I have not seen difficulties mentioned in the question.

Mr. Sasanka Sekhar Sanyal: Shortage of time—supposing there are two or three days and it is not possible to draw the quota within that period—and similar other difficulties. Will that quota lapse or will it be added to the quota for the succeeding quarter?

The Honourable Sri C. Rajagopalachari: I must look into the case before I can answer that question.

Babu Ram Narayan Singh: How many cases have been detected?

The Honourable Sri C. Rajagopalachari: A few cases have been detected. I think the Honourable Member is asking another question about it. I may inform him that a few cases have been detected, and they are under investigation. The actual number is not relevant, but if necessary notice may be given.

Babu Ram Narayan Singh: Is the Honourable Member aware that a sensational theft case has been detected in which 1,000 bales containing 15 lakh yards of cloth have been removed from the custody of one Mr. Muhammaddin Mohammad Ahmad of Delhi?

The Honourable Sri C. Rajagopalachari: I have said already that some important cases have been detected and they are under investigation.

Babu Ram Narayan Singh: But is the Honourable Member aware that conspiracy is going on so that the cases may be hushed up?

The Honourable Sri C. Rajagopalachari: I accept the warning that I shall do all-I can to see that the cases are not hushed up.

Shri Mohan Lal Saksena: May I know what happens to the cloth which remains unsold with the permit holders?

The Honourable Sri C. Rajagopalachari: I take it the stock is debited against the holders if they are not sold, but the previous question as to how the calculation is made next month in the carry-over when there is either a shortage or an excess, I promise to look into this question.

Shri Mohan Lal Saksena: Are they required to submit any statements?

The Honourable Sri C. Rajagopalachari: All dealers who get the quotas are required to submit accounts, and they are checked also.

ALLOTMENT OF BALES OF YARN TO THE DEALERS IN DELHI PROVINCE

1579. *Babu Ram Narayan Singh: (a) Will the Honourable Member for Industries and Supplies be pleased to state how many bales of yarn are allotted to Delhi Province and what is the basis of the allotment of yarn to the dealers in Delhi?

(b) Is it a fact that 3 or 4 cases of selling quota yarn in the black market by the quota holders were detected by the Director of Civil Supplies and if so, with what result?

The Honourable Sri C. Rajagopalachari: (a) Delhi Province is getting about 400 bales of yarn a month. Most yarn dealers in Delhi are members of different Associations, and the Delhi Administration makes allotments of yarn to these Associations, who distribute to their dealers. Dealers who are not members of any association receive their supplies direct from the Delhi Administration. The basis of the quotas supplied to dealers is the extent of their trade during the three years--1940, 1941 and 1942.

(b) The Delhi Director of Civil Supplies has not detected any such cases in respect of yarn.

Lala Deshbandhu Gupta: With regard to reply given to part (a), may I ask the Honourable Member whether he is aware of the fact that Delhi is the biggest Centre in Northern India, or in the whole country, for thread ball manufacturing, and that there has been a very serious complaint on the part of these manufacturers that their quotas have been considerably reduced and the advantage has gone to some European firms in Bombay?

The Honourable Sri C. Rajagopalachari: I am not aware of the last part of the allegation made, but that there are complaints of shortage I knew. About the particular allegation of advantage going to any European dealers in Bombay I have not seen any paper to that effect as far as I remember. If I had seen, I would have remembered it.

Lala Deshbandhu Gupta: Will the Honourable Member now make enquiries into the matter and set things right if he is satisfied that an unfair advantage is being given to a European firm in Bombay?

The Honourable Sri C. Rajagopalachari: I should like to know what is the meaning of the allegation before I enquire. If it is shortage in Delhi I admit it. But a particular quantity going to a European dealer cannot be traced to the Delhi's shortage!

Lala Deshbandhu Gupta: Let me make myself clear. The allegation is that the basis of the quotas of yarn fixed for thread-ball manufacturers of Delhi was the consumption in a certain period but their quotas are being regularly reduced

whereas some European firms which came into existence only during the war, is getting a higher quota. The name of this firm is, perhaps, Central Agency, Bombay, which is a European firm.

The Honourable Sri C. Rajagopalachari: The allegation is that there is discrimination in the distribution of quotas between person and person. I shall try my best to see that there is no discrimination.

Lala Deshbandhu Gupta: Between city and city, person and person and also between race and race.

Shri Mohan Lal Saksena: Is the Honourable Member aware that there is shortage in yarn for the handloom industry?

The Honourable Sri C. Rajagopalachari: There is such a shortage throughout India including Delhi.

Shri Mohan Lal Saksena: Is it a fact that no person can start handlooms who has not been working in handlooms from 1941-42.

The Honourable Sri C. Rajagopalachari: There is shortage even in the older looms. New looms have not been permitted but I believe there are certain exceptions made in favour of people who have since attained majority.

Shri Mohan Lal Saksena: What steps have Government taken to promote any spinning to make up the shortage of yarn?

The Honourable Sri C. Rajagopalachari: I am just now arranging that considerable attention should be paid to the subject but the matter has not gone very much beyond investigation.

Mr. President: Before I call the next question, I should inform Honourable Members that they are expected to be in their seats to enable the Chair to call upon them. If they are not in their seats, their questions will be dropped.

HELP TO MADRAS GOVERNMENT IN STARTING IRON AND STEEL INDUSTRY IN SALEM DISTRICT

1580. *Sri V. C. Vellingiri Gounder: Will the Honourable Member for Industries and Supplies be pleased to state whether in view of the insufficiency of iron and steel in the country and more specially in South India, Government propose to consider the advisability of helping the Madras Government to start Iron and Steel Industry in Salem District in Madras Province where sufficient quantities of iron-ore are available?

The Honourable Sri C. Rajagopalachari: The Iron and Steel (Major) Panel set up by the Government in 1945 have considered this question in their first report, a copy of which is in the Library. Their opinion is that the establishment of a steel plant in this area would not be an economic proposition.

Government have decided to take the necessary steps to erect and operate two new steel works through the medium of a State-owned Corporation in which Provincial Governments are being invited to participate. The exact location of these two works will be decided by the Central Government in consultation with the Corporation to be set up. Owing to the complete absence of coking coal it is not economical to locate either of the two new works in Southern India.

Sri V. C. Vellingiri Gounder: May I ask what is the difficulty of starting the Iron and Steel Industry in Southern India? Is it the want of coke? Could not Government consider the possibility of erecting plants in Southern India as we find such electric melting plants are established in European countries?

The Honourable Sri C. Rajagopalachari: It depends on the cost of electric power in the place and further, certain processes depend entirely on coke and cannot be managed with only electricity.

Sri V. C. Vellingiri Gounder: Other countries like Norway are melting iron and steel with electrical energy. Will Government consider to investigate how things are going on there?

The Honourable Sri C. Rajagopalachari: It is not as if Government were unaware of this. The matter has been gone into and it is not possible to get the things started in South India on any economical basis. Otherwise I would have been very glad to accept the suggestion.

Khan Abdul Ghani Khan: Is it a fact that the North-West Frontier Province has the biggest hydraulic scheme in India? Would Government consider starting factories there?

The Honourable Sri C. Rajagopalachari: I would like to have information whether iron ore is also available there?

Sri M. Ananthasayanam Ayyangar: May I know from the Honourable Member if the relative cost of using coal and electricity have been worked out, and if so, what is the additional cost in the use of electricity?

The Honourable Sri C. Rajagopalachari: The question of cost is the availability of electrical power in sufficient quantity at the spot. The relative cost varies from place to place.

Mr. Yusuf Abdoola Haroon: May I know from the Honourable Member with reference to the answer that coke and coal are not available in Southern India, whether his answer relates to British India or States also?

The Honourable Sri C. Rajagopalachari: The question was about Salem District and I have answered in respect of that. But coking coal is not available in Southern India including Hyderabad.

Mr. Yusuf Abdoola Haroon: Is the Honourable Member aware that the Hyderabad State is working coal mines in Hyderabad and coal and coke are available?

The Honourable Sri C. Rajagopalachari: But coking coal is different from coal.

Mr. Yusuf Abdoola Haroon: I think coking coal investigations are going on in Hyderabad and they hope to make this coking coal.

The Honourable Sri C. Rajagopalachari: I share hope too. I do not say there is no hope. As long as there is life there is hope!

Sri V. C. Vellingiri Gounder: The Government of Mysore are manufacturing through the help of charcoal available there.

The Honourable Sri C. Rajagopalachari: I know that Mysore has been manufacturing steel with the help of wood-charcoal instead of coal, and it has not proved very economical.

Sri M. Ananthasayanam Ayyangar: May I know where both these plants are going to be established?

The Honourable Sri C. Rajagopalachari: I have already said that the place will be settled by the Central Government in consultation with the Corporation that will be set up to be responsible for the work.

ROAD FUND GRANT FROM PETROL-TAX TO PROVINCES

1581. ***Sri V. C. Vellingiri Gounder:** (a) Will the Honourable Member for Transport be pleased to state which are the Provinces which have not fully spent the Road Fund Grant from Petrol-tax for the past three years?

(b) What is the unspent amount in each of them?

The Honourable Dr. John Matthai: (a) Figures for the year 1946-47 are not yet available. On the basis of figures for the three years ended on 31st March, 1946, the Provincial Governments of the Punjab, Assam and Sind alone had not spent fully the allocations made to them from the Central Road Fund during that period.

(b) The amounts of unspent balances were: Punjab—Rs. 2,40,521, Assam—Rs. 9,00,190, Sind—Rs. 2,27,931.

Sri V. C. Vellingiri Gounder: May I ask why these road funds are not spent in a particular year? Is it the policy of the Government to keep a separate account for accumulating these funds so that whenever provinces want money these funds are granted again instead of lapsing?

The Honourable Dr. John Matthai: They do not lapse. They accumulate.

Mr. Yusuf Abdoola Haroon: Will the Honourable Member be in a position to explain why these funds have not been spent by the provinces and whether provinces have submitted any reports?

The Honourable Dr. John Matthai: The reason is during the past three years, war conditions have made it very difficult to undertake construction of new roads.

Mr. Yusuf Abdoola Haroon: When these funds were asked for, they were asked for some relief!

The Honourable Dr. John Matthai: The way in which these funds are distributed, Sir, is this: Out of the proceeds of this petrol cess a certain percentage is retained by the Government of India for administration and for research expenditure: the rest is allocated automatically to the provinces on the basis of petrol consumption.

Sri M. Ananthasayanam Ayyangar: Since the highways have been made and maintained by the Central Government, is there going to be a re-allocation of the cess to the various provinces and a larger amount to be retained by the sender?

The Honourable Dr. John Matthai: There is no question of re-allocation because the allocation is made on a basis which corresponds to the petrol consumption in the provinces. The allocation is not based upon their particular programmes.

IMPORT OF FOOD PRODUCTS FROM OVERSEAS COUNTRIES

1582. *Sri V. C. Vellingiri Gounder: (a) Will the Secretary of the Food Department be pleased to state what are the overseas countries from which food products are arranged to be imported during the year 1947-48?

(b) What are the products classified as food, dairy products, and tinned foods and what quantity of each will be imported?

(c) What are the articles, with their quantity and value, which will be exported to such countries by way of barter?

(d) Are there any variations in prices for 1947-48 as compared with those for 1946-47? If so, what is the percentage of increase or decrease in all articles of export and import during this year compared with that of last year?

Mr. K. L. Panjabi: (a) Australia, New Zealand, Canada, U. K., U. S. A. and the Netherlands.

(b) The Honourable Member's intention is not clear. Food is a general item which includes dairy products and tinned foods other than dairy products. A statement showing quotas of articles programmed for import into India during 1947 is laid on the table of the House.

(c) There is no barter arrangement in respect of these food products.

(d) These articles are imported by the trade. It is not therefore possible to indicate the variations in prices.

Statement showing the quotas of articles programmed for import into India during 1947.

Name of the commodity	Source	Quantity in tons
Dairy Products—		
Butter	Australia	107½
	New Zealand	107½
	U. S. A.	735
Cheese	Australia	380
	New Zealand	380
	U. S. A.	255
Tinned Foods—		
Canned meat	Australia	1,332
Canned fish	Canada	353
	U. K.	118
	Netherlands	492

Mr. Sasanka Sekhar Sanyal: What are the goods that are exported to these countries from where foodstuffs are imported into this country?

Mr. K. L. Panjabi: The question can be best to put to and answered by the Commerce Department.

Khan Abdul Ghani Khan: Is any canned fish or meat imported into India?

Mr. K. L. Panjabi: I am not sure. I do not know whether we have got any allocation of fish or meat. Fish and canned meat are imported by the trade.

Khan Abdul Ghani Khan: A few days ago a report came out in the papers that tinned meat was allocated to India from Argentina. May I know if tinned meat, fish or beef is imported into India from foreign countries?

Mr. K. L. Panjabi: I am not aware of this. I will enquire into it and let the Honourable Member know.

Khan Abdul Ghani Khan: The Honourable Member said that tinned foods were imported into this country. May I know whether there is any fish or meat in the tinned food imported?

Mr. K. L. Panjabi: The Government ask for certain quotas of certain products. We have concentrated on dairy products and other goods that we considered essential. The trade in addition imports other canned goods. As to whether any and what quantity of tinned meat or fish is imported by the trade, the Honourable Member wishes to have information he can get it from the Commerce Department.

Mr. Yusuf Abdoola Haroon: May I know whether the Pathans in the Frontier do eat tinned meat and fish?

Sri M. Ananthasayanam Ayyangar: May I know if the Honourable Member's Department is permitting export of large quantities of groundnut and groundnut oil, which has been prevented till now being an article of food in this country?

Mr. K. L. Panjabi: A decision has been taken by the Government of India to permit limited exports of groundnut seed and oil to other countries.

Sri M. Ananthasayanam Ayyangar: Is there not scarcity of that commodity still persisting in the country and if so, why has the Government decided to permit export and if so, to what countries?

Mr. K. L. Panjabi: I think this question should be put to the Commerce Department.

Lala Deshbandhu Gupta: Disgressing a little away from the question, may I know whether the Honourable Member is prepared to take the House into confidence with regard to the report made by Sardar Sir Dattar Singh, delegate to the International Wheat Conference, who flew back from London this week to consult the Government of India about the progress of discussions in the Wheat Conference?

Mr. K. L. Panjabi: Sir Dattar Singh is one of the members of our Delegation to the International Wheat Conference which is still in session. It is really a matter for the Commerce Department and I do not think that any statement can be made to the House at this stage, because the Conference is still in session.

Khan Abdul Ghani Khan: In view of the fact that these foreign food products have to be paid for by India at exorbitant prices and there is conspiracy to rob us, will the Honourable Member give us an assurance that no tinned beef, meat, fish or food of that kind, which are only consumed by certain higher sections of society, will be imported by the Government of India in the present food scarcity conditions?

Mr. K. L. Panjabi: I will consider the suggestion made by the Honourable Member.

ACCEPTANCE OF ILLEGAL GRATIFICATION ON RAILWAYS.

1583. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for Railways please state whether Government are aware that the practice of accepting illegal gratification is still prevalent in the Railway administration?

(b) If so, what steps have Government taken to check the evil?

(c) If not, do Government propose to make inquiries into the matter?

The Honourable Dr. John Matthai: (a) Government are aware of the allegations made in this House regarding the prevalence of bribery and corruption on Railways.

(b) I would refer the Honourable Member to the reply to Starred Question No. 205 asked by Sardar Mangal Singh on the 6th November, 1946. As the Honourable Member is aware, the legislation referred to in part (c) of that reply has since been effected by the enactment of Act II of 1947 for the more effective prevention of bribery and corruption. Government hope that these measures will go a long way in rooting out corruption amongst railway employees.

(c) Does not arise.

Mr. Muhammad Nauman: May I know if the Government is aware that the system of payment of *mamooli* for all booking has been in existence for a long time and is within the knowledge of every official of the Railway, big or small and no step has ever been taken to prevent that?

The Honourable Dr. John Matthai: I hope that under the new legislation we shall be able to effect a more expeditious and effective disposal of these cases.

Shri Mohan Lal Saksena: May I know what efforts, if any, have been taken to give effect to the recommendations of the Public Accounts Committee to put a stop to this corruption and bribery on the railways?

The Honourable Dr. John Matthai: We have taken various steps within the framework of our own organisation, apart from the legislation that I have referred to. We have over and over again issued stern instructions to our staff. We have set up a complaints office in the Railway Board Office and we are going to

set up complaints offices on the various railways. But the real difficulty, as far as I am aware, is that when it comes to the investigation of cases of bribery and corruption, unless the public co-operate with us in giving evidence, it is not possible to carry out the investigation sufficiently far.

Mr. Muhammad Nauman: May I know whether Government has taken into consideration the fact that those who are appointed to investigate these cases are normally from the same class and flock?

The Honourable Dr. John Matthai: That, unfortunately, adds to the difficulties of the situation.

Sri M. Ananthasayanam Ayyangar: Is it not a fact that owing to the paucity of wagons for allotment, the discretion is vested in the station masters, who choose one party to another, and therefore there are opportunities for illegal gratification? Have any steps been taken in this direction to relieve the paucity of wagons?

The Honourable Dr. John Matthai: That is a problem which is actively present to our minds.

Babu Ram Narayan Singh: What is the particular step which the Honourable Member is taking with regard to the particular case I had brought personally to his notice?

The Honourable Dr. John Matthai: I am having that examined.

Lala Deshbandhu Gupta: Is it not the experience of the Honourable Member that when anti-corruption measures are taken, the rate of bribery also goes up?

The Honourable Dr. John Matthai: Fortunately it has not been my experience.

COMPLAINTS ABOUT BRIBERY AMONG OFFICIALS OF B. B. & C. I. RAILWAY IN RUTLAM DISTRICT

1584. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable Member for Railways please state if Government are aware that Muslim merchants of Rutlam District have made complaints about the prevalent practice of bribery among the local officials of the Bombay, Baroda and Central India Railway in that District?

(b) If so, what steps have been taken by Government to check the evil and how the complaint was dealt with?

The Honourable Dr. John Matthai: (a) Government are advised that certain complaints have been received by the Bombay, Baroda and Central India Railway alleging corruption among their staff in Rutlam District; records of complaints are not maintained according to the community of the complainants.

(b) All the complaints received have been investigated; but evidence in substantiation thereof has not been forthcoming. A recent complaint has been handed over to the Special Investigation Branch for enquiry, the results of which are awaited.

Mr. Ahmed E. H. Jaffer: Is the Honourable Member aware of the fact that because these complaints were made by the merchants they are now being harassed by the local railway officials by not offering them suitable transport facilities? If so, will the Honourable Member issue instructions to the railway authorities there to see that these merchants are not harassed in future?

The Honourable Dr. John Matthai: I will have that looked into.

POLICY RE RETRENCHMENT OF STAFF IN THE INDUSTRIES AND SUPPLIES DEPARTMENT

1585. ***Mr. Ahmed E. H. Jaffer:** Will the Honourable Member for Industries and Supplies kindly state what policy Government propose to adopt in respect of retention and retrenchment of staff in his Department?

The Honourable Sri C. Rajagopalachari: Retention of staff on a permanent basis will be regulated by the rules in force in regard to recruitment to the various services in consultation with the F. P. S. C. where necessary.

Shri Mohan Lal Saksena: Is it a fact that in the Industries and Supplies Department there is a large number of persons who had been recruited from the various industries and they are still there?

The Honourable Sri C. Rajagopalachari: The word 'large' may or may not be correct. There are a number of them.

Shri Mohan Lal Saksena: And they are still continuing?

The Honourable Sri C. Rajagopalachari: Yes, Sir. The programme of substitution is going on as the nature of the jobs is being settled.

Shri Mohan Lal Saksena: Will the Honourable Member satisfy himself that they have not created their vested interests there?

The Honourable Sri C. Rajagopalachari: If the question means that qualified men should be kept on and favouritism should not be shown, I accept it.

Lala Deshbandhu Gupta: May I know whether since the removal of the News Print Control order any retrenchment has been done?

The Honourable Sri C. Rajagopalachari: The removal of the News Print Control Order is a very negligible part of the problem. During the war period there was an enormous expansion of this department and there is a very large amount of retrenchment to be made and it is being made with due regard to the claims and interests of all the parties concerned. The policy of the Government has been very definitely and clearly put down on paper and I have read it on this question. I am thoroughly satisfied that the policy is correct and if necessary I will place it on the table of this House, so that members may see it. There is no question of favouritism. The principles are very correctly laid down and the programme is a very large one. Honourable Members should remember that human material is involved and retrenchment cannot be as rapid as the Finance Department can expect and when we begin the retrenchment, Honourable Members themselves will take the part of the retrenched boys also and will come over and complain. It is a very difficult problem, all aspects of which have to be taken into account.

Mr. N. M. Joshi: In view of the fact that the Honourable Member realises and appreciates that human material is involved in the matter of retrenchment, may I ask whether the Government of India has provided for compensation to those people who are retrenched, in accordance with or in proportion to the number of years of service which they have put in?

The Honourable Sri C. Rajagopalachari: Yes, Sir. A certain amount of money, which I cannot call very large, is being paid, calculated on the amount of service they have put in. While human material is involved in retrenchment the Honourable Member will remember that the finance necessary for all payments, whether of compensation or of salaries, must be paid by the tax-payers who again are human material.

APPOINTMENT OF STENOGRAPHERS AS SUPERINTENDENTS IN THE INDUSTRIES AND SUPPLIES DEPARTMENT

1586. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable Member for Industries and Supplies kindly state how many stenographers have been appointed as Superintendents in his Department?

(b) How many of these are Muslims and how many Hindus?

(c) Were there no suitable Assistants available in the Department for appointment as Superintendents at the time?

The Honourable Sri C. Rajagopalachari: (a) Six, including three who were before their promotion has worked as Assistant, Assistant-in-charge or non-gazetted Superintendent.

(b) Four are Hindus, one a Muslim and one a Sikh.

(c) The rules do not debar stenographers from being appointed as Superintendents. In selecting stenographers the same principles were adopted as were applied to Assistants and the most suitable persons were appointed.

ROSTERS OF SUPERINTENDENTS, MAINTAINED IN THE INDUSTRIES AND SUPPLIES DEPARTMENT.

1587. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for Industries and Supplies kindly state what is the object of the Roster of Superintendents which is being maintained in his Department?

(b) Is it the intention to debar all those not included in this Roster from appointment to the posts of Superintendent?

(c) What is the basis on which this Roster has been prepared?

(d) Has the relative seniority of persons included in the Roster been fixed in accordance with the Rules laid down by the Home Department for the purpose? If not, why not?

(e) How many times has this Roster been revised since it was first formed?

The Honourable Sri C. Rajagopalachari: (a) The object of the Roster is to get a cadre of Secretariat Superintendents articulated in age and chosen on merits, so that whenever a vacancy occurs the man to fill it is indicated at once.

(b) No, Sir. Persons considered suitable will from time to time be added to the Roster.

(c) In the preparation of the Roster all relevant factors, such as age, educational qualifications, total length of service, service as Assistant, Assistant-in-charge or Superintendent or in any other responsible capacity, and general suitability were taken into consideration.

(d) No, not strictly in accordance with Home Department's orders issued in August 1946. The reason for departure was that during the war the Supply Department and the Industries and Civil Supplies Department which is subsequently absorbed expanded enormously and in several centres and the ordinary recruitment rules did not apply. This resulted in a number of *ad hoc* promotions made without strict regard to seniority or merit. With the end of the war and the contraction of the Department, the qualifications and merits of all persons were reviewed and the best men selected. The procedure followed is protected by the Home Department's orders of August 1946.

(e) The Roster was first prepared in May 1946. Fresh additions were made twice—once in June 1946 and again in October 1946 when the Industries and Civil Supplies Department and the Planning and Development Department respectively were physically merged with the Supply Department.

PRIORITY FOR REPAIRS GIVEN TO FRENCH BOMBERS BY THE HINDUSTAN AIRCRAFT FACTORY, BANGALORE.

1588. *Sri V. Gangaraju: Will the Honourable Member for Industries and Supplies be pleased to state:

(a) whether the attention of the Government has been drawn to the letter of Mr. A. Z. Sheriff published in *Blitz*, dated the 22nd March;

(b) whether it is a fact that nearly 20 French Bombers are sent for repairs or over-hauling to the Hindustan Air Craft Factory at Bangalore;

(c) whether Government are aware that the French Bombers are given priority;

(d) whether Government are aware that the French Bombers are meant for the suppression of Freedom movement in Indo-China; and

(e) if the answer to (c) and (d) are in affirmative, whether Government propose to consider the advisability of stopping this practice which is against the wishes of the people of India?

The Honourable Sri C. Rajagopalachari: (a) Yes. Government have seen the letter referred to.

(b) No. The repair of only five Dakota Aircraft against orders received from the Chairman of the French Purchasing Mission for Indo-China in British India, Calcutta, has been undertaken by Hindustan Aircraft. The negotiations for these repairs began early in 1946.

(c) No. The French Aircraft were not given any priority other than the priority resulting from date of booking of orders.

(d) No. All the five Dakota aircraft are intended for civil use. One has been delivered as a freighter and the remaining four are being converted into passenger Airlines. The camouflage paint and military markings have been removed in each case. None of these aircraft is fitted with Bomb doors, Bomb racks or Bomb release gear and it is not technically feasible to use these aircraft for bombing.

(e) Does not arise.

Shri Mohan Lal Saksena: Will the Government see, or issue instructions, that in future no aircraft which may be used against Freedom movement by the French are repaired in this factory?

The Honourable Sri C. Rajagopalachari: There is no such possibility and it would be wrong to issue orders of that character where there is nothing called for of that kind.

Sri M. Ananthasayanam Ayyangar: Where are these Dakotas going to be used, may I know?

The Honourable Sri C. Rajagopalachari: The French people have taken it as they are the owners of these Dakotas. The question where the Dakotas will be used will depend on the owner's choice.

Sri M. Ananthasayanam Ayyangar: Is it not in Indo-China that they are going to be used?

The Honourable Sri C. Rajagopalachari: Probably, Sir, but we cannot say. It is the French Purchasing Mission, as I said, which has bought them.

STATEMENTS LAID ON THE TABLE

(INFORMATION PROMISED IN REPLY TO CERTAIN QUESTIONS—LAID ON THE TABLE OF THE HOUSE)

Shri Mohan Lal Saksena's Starred Question No. 725 of 6th March 1946.

NUMBER OF INDIAN SWEEPERS SENT TO BURMA

Statement

The number of sweepers recruited for Burma, since its re-occupation by the Civil Affairs Service (Burma), by various Departments of the Government of Burma and Quasi-Government Administrations and the terms of their recruitment are as follows:—

(a) *Rangoon Corporation.*—The number of sweepers recruited in India for employment in the Rangoon Corporation and the rates of their pay are shown below :

		Rs.	a.	p.	
24	Maistries	at	.	.	1 4 0 per day.
26	"	at	.	.	1 10 0 per day.
38	"	at	.	.	37 8 0 per month..
12	"	at	.	.	48 12 0 per month..
331	Coolies	at	.	.	1 2 0 per day.
362	"	at	.	.	1 8 0 per day.
491	"	at	.	.	32 8 0 per month..
311	"	.	.	.	45 0 0 per month..

These persons were issued, free of charge, one set of clothing before embarkation and are entitled to free medical treatment, accommodation, light and rations. They are also entitled to repatriation to India on the expiry of their service, but the period of service to be completed in Rangoon has not been stipulated. They were not permitted to bring their families with them to Burma.

(b) *Burma Railways*.—Two hundred sweepers were recruited in India for permanent appointments in Burma on Rs. 18 per month each, plus free rations, clothing, etc. They were not, at the date of their recruitment, permitted to bring their families into Burma, but this ban has subsequently been removed.

(c) *Port Commissioners*.—Sweepers recruited in India by the Port Unit, CAS(B), for service in Burma, number 360. Their basic pay was Rs. 32 per month and other terms and conditions of their service were governed by the "CAS(B) Directions relating to Pay, Accounting and Finance" so far as they related to civilian employees who signed the CAS(B) form of agreement. They were not permitted to bring their families to Burma."

Mr. K. C. Neogy's Starred Questions Nos. 31 and 34 of 28th October, 1946.

LAWLESSNESS IN THE DACCA- MYMENSINGH AND TIPPERAH SECTIONS OF BENGAL-ASSAM RAILWAY

No. 31.—

Part (a).—Four separate lists Nos. I to IV of the incidents that took place during the last 12 months or so are attached* These refer to the following :—

- (I) Assaults on railway passengers.
- (II) Thefts committed from wagons at stations or on running trains, etc.
- (III) Suspected thefts where no loss of property could be ascertained.
- (IV) Minor incidents such as tampering with signal wires and pulling of alarm chains.

The number of complaints in regard to lawlessness and appeals for help and protection received from time to time by Railway officials or Railway police were as follows :—

Chittagong, Dacca and Calcutta Districts.

Date	Number of appeals	Date	Number of appeals
12-8-46	1	3-9-46	2
30-8-46	3	4-9-46	2
21-8-46	5	5-9-46	1
22-8-46	3	14-9-46	2
23-8-46	2	15-9-46	1
24-8-46	1	17-9-46	3
26-8-46	2	18-9-46	3
26-8-46	7	19-9-46	4
27-8-46	2	25-9-46	2
28-8-46	1	26-9-46	1
29-8-46	6	29-9-46	3
30-8-46	5	1-10-46	1
31-8-46	7	13-10-46	7
1-9-46	1	14-10-46	3

*Not printed in these Debates. Copy placed in the Library of the House.—Ed. of D.

Date	Number of appeals	Date	Number of appeals
15-10-46	2	28-10-46	3
16-10-46	7	29-10-46	2
17-10-46	4	30-10-46	3
18-10-46	5	31-10-46	3
19-10-46	4	1-11-46	2
20-10-46	2	2-11-46	1
23-10-46	1	3-11-46	1
26-10-46	2	4-11-46	3
		Total	126

Most of these messages were sent as a result of panic. Necessary arrangements for affording police protection were made wherever considered necessary. This was in addition to the other steps taken by the Railway Administration for the protection of train services in the affected area which had already been mentioned in the reply previously given to the question.

Part (b).—It is understood that a number of arrests have been made by the local police and in some cases stolen property has also been recovered, but full details are not available. It is understood that the Bengal Government who are responsible for the maintenance of law and order and detection of crime, are pursuing their investigations.

RESUMPTION OF NORMAL FUNCTIONS OF THE POSTS AND TELEGRAPHS DEPARTMENT SINCE THE SETTLEMENT OF STRIKE

No. 34.—

(a) A statement showing the dates when normal functioning of the Posts and Telegraphs Department was resumed in the different provinces in all aspects of its activities after the termination of the Postal strike, is attached.

(b) Reports received from the Heads of Postal and Telegraph Circles indicate that, with the exception of Bengal, Bihar and Bombay Circles, unusual delays did not take place in the transmission of letters and other postal articles since the termination of the P. & T. strike. In the three circles mentioned above, complaints of delays were received from the public but the delays were due to restricted working hours owing to curfew, communal disturbances and other causes. With a view to avoiding such delays special arrangements were introduced in some of the circles to clear off the deferred mails.

(c) Yes. After the communal riots in Calcutta in August, 1946, the telegraph peons of the Central Telegraph Office, Calcutta, were fearful of going to areas predominantly inhabited by the members of the community other than to which the peons belonged. Beats were accordingly re-arranged so that peons served areas predominantly inhabited by the community to which the peon belonged. There were, however, other areas to be served to visit which the peons had to pass through localities inhabited by members of the other community. To serve these areas telegrams were sent from the Central Telegraph Office through by-hand peons to the nearest town sub-offices for delivery to the addressees, it was not intended that the telegrams should be delivered from the post offices without obtaining receipts and this matter has been taken up by the Postmaster-General with the Presidency Postmaster, Calcutta.

Name of the Province	Time when normal functioning of the P. & T. Department was fully resumed in all aspects of its activities since the settlement of the Postal strike
Madras	13-8-46
United Provinces	6-8-46
Sind and Baluchistan	20-8-46
Assam	8-8-46
Bengal	7-8-46
Bombay	14-8-46
Bihar and Orissa	13-8-46
Central	7-8-46
Punjab & N. W. F.	6-8-46

Shri D. P. Karmarkar's Supplementary to Mr. Vaidilal Lallubhai's Starred Question No. 220 of 6th November, 1947.

CONTROLS UNDER THE INDUSTRIES AND SUPPLIES DEPARTMENT

Clause 23 of the Paper Control (Economy) Order, 1945, prohibits the starting of business as publisher of books by any person who was not carrying on such business on the 12th June, 1944, when the Order was originally enforced. Power to relax this prohibition in exceptional cases has been delegated to Provincial Governments.

2. All available supplies of the paper for non-Government civilian consumption are allocated to Provinces and internal distribution of paper to quota holders within a Province is the responsibility of the Provincial Government concerned. It is up to the Provincial Governments, therefore, to devise means to ensure that publishers and other consumers of paper entitled to quotas under the Paper Control (Economy) Order get supplies up to their quotas. The available supply of paper is however limited and temporary shortages may occur due to transport difficulties. In such circumstances, if the supplies are not sufficient to meet the requirements of registered publishers, Mr. Karmarkar's suggestion to remove the restriction on the starting of business by new publishers will instead of improving the situation worsen matters.

Pandit Sri Krishna Dutt Paliwal's Unstarred Questions Nos. 52-56 of 11th November 1946

TRANSFER OF TEACHERS IN RAILWAY SCHOOLS FROM ONE PROVINCE TO ANOTHER
No. 52—

(a) The teaching staff employed in schools maintained by the East Indian Railway are treated as railway servants in all respects. They are not governed by the rules applicable to the teaching staff of the province in which the school in which they are employed is situated, though the rates of pay of teachers in railway schools are the same as those of teachers of schools of equivalent standard, where such exist, administered by the Provincial Government concerned.

(b) There is no bar, under railway rules, to such transfers, but the practice on the East Indian Railway is not to make inter-provincial transfers of teaching staff in their schools owing to the difference in the scales of pay in the different provinces and the different vernaculars current. As an exception to this practice, transfers of staff of European and Anglo-Indian schools are possible, as their scales of pay, owing to there being no schools of equivalent status in the provinces concerned, are not fixed with reference to provincial scales nor does the question of different vernaculars arise.

(c) The reply is in the negative.

SELECTION BOARD FOR THE POST OF HEADMASTER, MOGULSERAI SCHOOL OF E. I. RAILWAY

No. 53—

(a) The procedure adopted by the East Indian Railway for filling the post of Headmaster of the High School, Moghalarai, was in conformity with the practice followed by the Railway Administration for filling posts in similar categories.

(b) Yes; the General Manager originally decided, early in February 1945, to form a Selection Board consisting of the Divisional Superintendents, Dinapore, Allahabad and Moradabad, for filling the selection posts in the East Indian Railway, Indian Schools in the

United Provinces, the Inspector of Schools concerned also being invited to attend. It was subsequently decided by the General Manager, in April 1946, that as the Divisional Superintendents could not spare the time, the Selection Board for filling such posts in the U. P. should consist of Divisional Personnel Officers of the Dinapore, Allahabad and Moradabad Divisions, the Inspector of Schools concerned also being invited to attend.

(c) For the reasons given in the reply to part (b) above, the reply is in the negative.

SELECTION BOARD FOR POST OF HEADMASTER, MOGULSERAI SCHOOL OF E. I. RAILWAY

No. 54—

(a) I would invite attention of the Honourable Member to the reply given to part (b) of the preceding question.

(b) Yes, the status of the Indian Middle English School at Moghalseraï was raised to the high school standard with effect from 1st July 1945. For administrative convenience it was considered desirable at that time to make no change in the incumbent of the post of the Headmaster of the school.

(c) The reply is in the negative.

APPOINTMENT OF JUNIOR OFFICERS IN SELECTION BOARD FOR SELECTION OF HEADMASTERS

No. 55—

(a) The reply to the first portion is in the affirmative. As regards the second portion, the teaching staff of the East Indian Railway Schools are railway employees and are, therefore, not subject to the procedure laid down by the Local Government of the Province concerned in matters such as filling of posts of teaching staff. As the posts in question are non-gazetted, it was quite in order for the General Manager, who is the competent authority for deciding the constitution of Selection Boards for filling such posts, to co-opt the Inspector of Schools, Benares, to serve on the Board.

(b) Government understand that no representation was received by the General Manager. The latter portion of the question does not arise.

POST OF HEADMASTERS IN PROVINCIAL SCHOOLS

No. 56—

(a) If the Honourable Member is referring to Government High Schools, the reply to the first portion is in the affirmative. I may, however, inform the Honourable Member that posts of Headmasters in Railway Schools are non-gazetted and therefore the selection of a Headmaster of a Railway school by a Selection Board consisting of Divisional Officers was quite in order.

(b) Does not arise.

Mr. Madandhari Singh's Starred Question No. 506 of 13th November, 1946

NUMBER OF CHURCHES MAINTAINED FOR BRITISH TROOPS IN INDIA

The number of churches maintained at State expense is as follows, by denominations :—

Anglican churches vested in the Crown		
	Military	83*
	Civil	126
.. ..	not vesting in Crown	22
	Total Anglican	241
	Roman Catholic Churches	49
	Church of Scotland Churches	21
	Total number of Churches maintained	311

It will be noted that only in the case of Anglican churches, a distinction has been made between military and civil churches. The position, however, is that all these churches whether specifically classified as civil or military are being maintained for the use of 'entitled persons' which expression connotes European British-born subjects of the Defence, Civil and the Railway Services.

*The number of Anglican military churches maintained by Government is 83 and NOT 80 as stated in reply to Starred question No. 506, answered on the 13th November 1946.

Mr. Mannu Subedar's starred question No. 631 of 16th November 1946

BURMA REFUGEES SERVING IN CENTRAL GOVERNMENT

Statement showing the number of Burma refugees employed in the various Departments of the Government of India and their attached and subordinate offices

(a) Departments in which employed	(b) Number of Burma refugees in service	(c) Whether their services have been demanded back by the Government of Burma	(d) The present position	(e) Remarks
Home Department . . . . .	.....		.....	Services of 1 Burma refugee employed in the Employment Selection Bureau terminated with effect from the 1st December, 1946.
C. B. Department	7	No.	Services of 1 of these will be terminated in the near future.	.....
Finance Department	28	No.	.....	Services of 38 Burma refugees previously employed have been terminated.
I. and B. Department.	13	No.	.....	3 Indian residents in Burma who left that country during war are also employed.
Food Department	3	No. } { Two of these were not in Government service in Burma before coming to India.	.....	Services of 9 Burma refugees previously employed have been terminated.

(a) ents in which employed	(b) Number of Burma Refugees in service	(c) Whether their services have been demanded back by the Government of Burma	(d) The present position	(e) Remarks
Communications Department	32	The Burma Government have asked for the return of 16* of them [see column (d)].	*11—being returned *5—have tendered resignation of their services under the Burma Government. 5—question of their repatriation is being taken up with the Burma Government. 11—will be relieved if and when the Burma Government ask for their release.	16 Burma refugees previously employed have been returned to the Government of Burma at their request.
Legislative Department	1	No.		.....
Railway Department	243	The Burma Government have asked for the return of 19* of them [see column (d)].	*9 being relieved. *10 not willing to return to Burma.	8 Burma refugees previously employed have been returned to the Government of Burma at their request.
W. M. and P. Deptt.	10	The Burma Government have asked for return of 1 of these and the matter is under consideration.	.....	.....
Health Department	4	No.	.....	.....

Labour Department	4 (One of these has resigned his appointment under the Burma Government.)	The Burma Government have asked for the return of 2 of these and the matter is under consideration.	.....	.....	.....
External Affairs Department	1	No.	.....	.....	.....
Defence Department	3	No.	.....	.....	.....
Agriculture Department	2	No.	.....	.....	.....
Industries and Supplies Dept ^y	181	The Burma Government asked for the release of 1* of them.	.....	*1 released	.....
Federal Public Service Commission	3	No. (None of these was in Burma Government's service before coming to India).	.....	.....	.....
Military Finance Department	3	No.	.....	.....	Services of 90 Burma refugees previously employed have either been terminated or replaced at the disposal of the Burma Government.
Total	547				

Hafiz M. Ghazanfarullah's starred question No. 143 (a) of 7th February 1947

ICE PLANTS AND COLD STORAGE RELEASED FROM THE MILITARY

(a) Ice Plants	13
Cold Storage	7
(b) Ice Plants—	
3·6 tons	1
5 „	1
8 „	4
15 „	5
30 „	1
45 „	1
Cold Storages—	
3,600 cubic feet	1
15,000 „ „	2
27,000 „ „	3
1,10,000 „ „	1
(c) In Bengal and Assam	
(d) Ice Plants	12
Cold Storages	6
(e) 15 ton Ice Plants	1
15,000 cubic feet Cold Storage	1

(f) Two Ice Plants and two Cold Storage Plants were sold to the Bengal Government according to the recommendation of the Agriculture Department. As the Agriculture Department had no firm demand the other Plants were sold to Private parties by advertised tender and subsequent negotiation, with all tenderers present at the same time.

(g) The Plants were offered to Agriculture Department but none was required by them.

Hafiz M. Ghazanfarullah's starred question No. 421 of 20th February 1947

BUILDINGS NEAR BAMRAULI AKBODROME AND THE DISPOSAL OF MILITARY HOSPITAL BUILDINGS AT MORADABAD

The Indian Military Hospital and 131 Indian General Hospital, Moradabad, form part of the same project and the reply already given in regard to the disposal of the land and buildings of 131 Indian Military Hospital also applies to the Indian Military Hospital.

Shri Sri Prakasa's starred question No. 424 (a) of 20th February 1947

ARREARS OF PAY OF DISCHARGED I.N.A. MEN

The compilation of a detailed statement of the amounts of pay and allowances forfeited by ex-I.N.A. personnel would necessitate references to records and accounts office in all parts of India. The time and labour involved in obtaining the information would not be commensurate with the value of the result.

The family allotments in the case of the officers and men involved have, however, been paid by Government up to the date of the individual's discharge. The balance of pay forfeited is not likely to exceed a total of Rs. three crores.

Mr. Nagendranath Mukhopadhyay's starred question No. 603(b) of 25th February, 1947

REQUIREMENTS OF RAILWAYS FOR DIFFERENT GRADES OF COAL

Statement showing total despatches to the nine principal Government Railways and its Grades II, IIIA and IIIB during November, December 1946 and January, 1947.

Name of Railway	Total despatches during November, December 1946 and January 1947 (all grades)	Total despatches of grades II, IIIA and IIIB during November, December 1946 and January 1947	Percentage of column 2 to column 3
	(Tons)	(Tons)	
N. W. Railway	4,20,438	1,24,783	29.6
E. I. Railway	5 49,392	98,770	18
B. A. Railway	2,25,674	10,833	5
G. I. P. Railway	3,31,080	46,788	14.1
B. N. Railway	3,41,913	11,363	3.3
O. T. Railway	1,06,088	19,059	18.1
B., B. and C. I. Railway.	2,05,555	55,395	27
M. and S. M. Railway	1,86,602		
S. I. Railway	49,162		...

Mr. Ahmed E. H. Jaffer's starred question No. 732 of 5th March, 1947.

UNHYGIENIC DELHI MUNICIPAL SCHOOLS

Report in regard to the sanitary condition of school premises and health of the school children in the Delhi Municipal Schools.

There are 39 girls schools and 59 boys schools run by the Delhi Municipal Committee. Out of the 98 schools only 15 schools are housed in Municipal buildings which are spacious and airy and two namely Dariba Kalan Girls School and Cloth Mills Boys School are housed in rent-free buildings which are also quite suitable. The rest of the 82 schools are housed in rented buildings which were originally not built for school purposes according to the standard plans approved by the Government for schools.

A report from the Medical Officer of Health of the Delhi Municipal Committee reveals that as much care as possible is taken to keep the rooms in the schools airy and well ventilated. Latrines and urinal arrangements are adequate and wholesome drinking water is provided. Some of these buildings are, no doubt, not sufficiently airy and some of them are also situated in congested and narrow lanes of the city. This cannot be helped as schools are to be provided in every Mohalla so as to be within any easy reach of every child living in that locality. Of late there has also been overcrowding in schools due to an abnormal rise in population. Every possible effort is made to look after the maintenance of proper hygienic and sanitary conditions in schools. Bhisties and sweepers are kept in all schools to cleanse and wash the premises daily. The schools are also visited by Sanitary Inspectors and Daroghas Safai. Each school is inspected by the Medical Officer of Health and medical examination of the school children is held by a doctor especially deputed for this work under the Chief Health Officer, Delhi Province. The Committee have employed two lady doctors to look after the health of girls reading in Municipal Schools. Besides, cleanliness parades are held in the schools to examine the teeth, nails, ears and clothes of the children. Provision has also been made in schools for nail cutters, indigenous tooth powder, soap and towels, Junior Red Cross activities have also been introduced in almost all the schools to teach health habits to the children. The officers on their visits to schools invariably make it a point to look into these conditions.

Babu Ram Narain Singh's starred question No. 822 of 10th March, 1947.

ACQUISITION OF LAND FOR PIPERADIH COLLIERY IN HAZARIBAGH DISTRICT

(a) The total extent of lands proposed to be acquired for Piperadih Colliery is about 206 acres.

(b) The lands have not yet been actually acquired.

(c) The area proposed to be acquired consists mostly of uplands. Paddy fields have been excluded from the proposed acquisition except where coal seams are underneath such land.

(d) The number of tenants whose land is proposed to be acquired is about 200.

(e) The value of the lands has not yet been paid as acquisition proceedings are still pending.

Mr. Ahmed E. H. Jaffer's starred question No. 838 of 11th March 1947

IMPOSITION OF FINES ON THE FRONTIER TRIBESMEN

(a) Rs. 3,36,993, (Rupees three lakhs thirty six thousand nine hundred and ninety three).

(c) Rs. 85,119, (Rupees eighty five thousand one hundred and nineteen), since the 1st January 1947.

NOTE.—Each of the above items includes the fine of Rs. 75,000 recently recovered from the Nandihar tribes.

Prof. N. G. Ranga's unstarred question No. 81 of 13th March, 1947

ALLOTMENT OF COAL TO TOBACCO GROWING PURPOSES IN MADRAS CIRCLE

In view of the availability of food fuel no coal has been allotted for the current season to tobacco growers in the West and East Godavari Districts.

Prof. N. G. Ranga's starred question No. 1028 of 18th March, 1947

SPENDING OF FOOD SUBSIDY OF RUPEES FIFTEEN CRORES

Statement showing Imports of Foodgrains from 1st April 1946 to 31st March 1947, country-wise which had to be subsidised.

Foodgrain	Country	Quantity received (in tons)	Subsidy
Wheat	Australia	371689	Rs. 2·65 crores
	U. S. A.	506289	
	Canada	156063	
	Turkey	29668	
Rice	Burma	269764	4·77 crores
	Brazil	73115	
	Siam	25700	
	F. I. China.	11176	

Foodgrain	Country	Quantity received (in tons)	Subsidy
Maize	Argentina	258459	Rs.
	U. S. A.	116362	
	Burma	5330	
Millets	Australia	1100	13 19 crores
	Iraq	6670	
	Egypt	39811	
	Abbyssinia	1816	
	Argentina	19910	
Barley	Australia	17554	
	Egypt	6866	
	Turkey	99036	
	Iraq	122807	
	Argentina	17833	
Mile	U. S. A.	151193	

Seth Govind Das' starred question No. 1093 of 21st March, 1947.

INSPECTION OF RAILWAY BY INSPECTING OFFICERS OF THE RAILWAY BOARD

Mr. Ahmed E. H. Jaffer's starred question No. 1261 of 28th March, 1947

EXCESS PROFITS TAX ASSESSEES IN ALLAHABAD

(b) (i) The dates of the assessment orders are as given below :

Assessment year	Date of assessment order
1942-43	(i) 31st January 1943.
	(ii) 25th February 1943.
1943-44	(i) 30th October 1943.
	(ii) 23rd February 1944.
	(iii) 29th February 1944.
1944-45	(i) 19th January 1945.
	(ii) 21st January 1945.
	(iii) 22nd January 1945.

§ Not printed in these debates. A copy placed in the Library of the House.—*Ed. of D.*
 (b) (ii) and (c) Statement of total wealth was not called from any of the assesses in question.

SHORT NOTICE QUESTIONS AND ANSWERS

DIFFICULTIES OF BRITISH ARMY OFFICERS FLYING TO U. K. *via* EGYPT

Mr. Yusuf Abdoola Haroon: Will the Secretary of the Defence Department please state:

(a) whether Government are aware that British Army Officers are being held back from flying to United Kingdom because of the new restriction imposed by Egyptian Government;

(b) whether it is a fact that the personnel will have to obtain passport as ordinary civilians and travel in civilian clothes;

(c) whether the cost of passport and civil clothes will be borne by the personnel;

(d) if not, by whom the said cost will be borne; and

(e) whether it is a fact that the cost of their stay in Karachi is being met by the Government of India, and if so, whether Government propose to recover this from His Majesty's Government?

Mr. G. S. Bhalja: (a) No, Sir. No British Army Officers are being held back from flying to the United Kingdom on account of any restrictions imposed by the Egyptian Government.

(b) No, Sir. Military officers do not require passports to travel by air *via* Egypt but they must wear civilian clothes.

(c) and (d). The cost of civilian clothes is borne by the Officers themselves.

(e) Does not arise.

Mr. Yusuf Abdoola Haroon: May I know from the Honourable Member whether he has seen a news item appearing in the local press that the Egyptian Government has restricted all military personnel from travelling from India to U.K. *via* Cairo and if they have to travel they must travel in civilian clothes with passports?

Mr. G. S. Bhalja: A report to that effect appeared. Apparently the basis of that report was a private message from the representative of the B.O.A.C. in Cairo to the B.O.A.C. representative here. But on an official reference it was found that the news was not correct.

Mr. Yusuf Abdoola Haroon: May I know from the Honourable Member then why a contradiction of the report was not issued?

Mr. G. S. Bhalja: The Honourable Member has put a short notice question and I have given a reply. That itself is sufficient publicity to all concerned.

Mr. Ahmed E. H. Jaffer: The Honourable Member stated that they must wear civilian clothes. May I know whether it is an order of the Government of India or of the Egyptian Government?

Mr. G. S. Bhalja: I understand that it is the civil peace time practice that when nationals of one country pass through another country they have to put on civilian clothes.

Mr. Yusuf Abdoola Haroon: May I know whether this practice has been effected only lately?

Mr. G. S. Bhalja: No, Sir. I understand it has been in vogue for a long time.

POSSESSION AND USE OF FIRE ARMS AND AMMUNITION BY MUSLIM NATIONAL GUARDS
SMUGGLED OUT FROM CERTAIN INDIAN STATES

Pandit Lakshmi Kanta Maitra: (a) Will the Honourable the Home Member please state whether Government are aware of the allegation that the Muslim National Guards in the Provinces, particularly in the Punjab and Bengal, are armed with fire-arms which had been used by them in the recent communal disturbances in the Punjab and Calcutta?

(b) if so, has any attempt been made to trace the source of their supply?

(c) Are Government aware of the specific allegation that ammunitions specially manufactured for certain Indian States, had been in use during the last communal riots in the Punjab?

(d) Has any enquiry been made in respect of the allegation in part (c) above?

(e) Is there any machinery of the Government of India, by which vigilant watch is kept over illicit smuggling of weapons, either from outside the country, or from Indian States into British India for unlawful purposes?

The Honourable Sardar Vallabhbhai Patel: (a) I have no information on the point.

(b) Does not arise.

(c) and (d). I have seen press reports to this effect but no official information has so far been received from the Provincial Governments who are primarily concerned.

(e) Yes, but it is not in the public interests to disclose what this machinery is.

Pandit Lakshmi Kanta Maitra: May I ask the Honourable Member if he is going to hold an investigation or an enquiry into this matter?

The Honourable Sardar Vallabhbhai Patel: The responsibility is primarily of the Provincial Governments. But if the allegations contained in the question are based on any substantial grounds, enquiries will be made.

Pandit Lakshmi Kanta Maitra: Has not the Honourable Member's attention been drawn to the press reports that have appeared from time to time containing these allegations?

The Honourable Sardar Vallabhbhai Patel: Press reports in these cases are mostly either exaggerated or false.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member consider the question of accepting the suggestion in the question as an information and to inquire into the matter on the basis of that?

The Honourable Sardar Vallabhbhai Patel: I have already answered the question.

Mr. Siddiq Ali Khan: Is the Honourable Member aware that similar allegations have been made against the Rashtriya Sevak Sangh and other Hindu volunteer organisations?

The Honourable Sardar Vallabhbhai Patel: I have included in my answer all the allegations.

Lala Deshbandhu Gupta: Is the Honourable Member aware of the specific statement made by Diwan Chaman Lall after his visit to Lahore in which he referred to one of the Indian States as being the source of the ammunition used during the communal riots in the Punjab?

The Honourable Sardar Vallabhbhai Patel: As I replied in answer to a question yesterday, on inquiry the allegation was not substantiated.

Khan Mohammad Yamin Khan: Is the Honourable Member aware that the Bahawalpur State had specifically denied all those allegations which were made in the statement?

The Honourable Sardar Vallabhbhai Patel: The report has appeared in the Press.

Mr. Muhammad Nauman: May I know whether the Honourable Member is aware that allegations have been made in the Press also that arms from Patiala and Faridkot have been used in the Punjab?

The Honourable Sardar Vallabhbhai Patel: That probably is not the end of the Report.

Babu Ram Narayan Singh: May I know how the Honourable Member says that the reports are exaggerated or false?

The Honourable Sardar Vallabhbhai Patel: Because they have been proved to be false.

Sri M. Ananthasayanam Ayyangar: Is it not the responsibility of the Central Government to see that arms and ammunition are not smuggled from the States into British territory or is it for the provinces to safeguard against such smuggling?

The Honourable Sardar Vallabhbhai Patel: The Central Government does not disown responsibility. It is their responsibility but so far as the provinces are concerned, the powers of the Central Government are delegated and we are bound to rely on the Provincial Government's information. So far as the Central Government is concerned, vigilance is kept and I have already said that to disclose information on these matters is not in the public interest.

Pandit Lakshmi Kanta Maitra: May I ask the Honourable Member to take more effective steps? I do not want him to disclose the agency or the machinery which keeps a watch on the smuggling but may I request him to see that the vigilance is more effective?

The Honourable Sardar Vallabhbhai Patel: I have taken note of the feeling of the members of this House in this matter.

Mr. N. M. Joshi: May I ask whether a question based on mere rumour is a proper question to be asked in a legislature?

Mr. President: It is a question of propriety and Honourable Members would do well not to ask them but it is not possible for me to rule them out.

TRANSIT OF PARCELS OF KNIVES AND DAGGERS BY POST AND RAILWAYS

Pandit Lakshmi Kanta Maitra: (a) Will the Honourable the Home Member be pleased to state whether Government are aware of the Press Report that 166 post parcels containing daggers and big knives have been recently discovered in the General Post Office, Calcutta?

(b) Are Government aware of the various reports that have been appearing in the press from time to time alleging that similar weapons have been discovered in the Railway parcels and that they were being transported to and from different places in India, before and during the outbreak of communal disturbances, in Calcutta in August, 1946?

(c) Will Government please state whether a thorough enquiry has so far been instituted into the matter, and if so, with what results? If not, do Government propose to make an enquiry and make known to the House the results thereof?

(d) What steps, if any, have Government so far taken to prevent the movement of such weapons in different parts of the country for illegal purposes?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) Yes.

(c) The question primarily concerns the Provincial Governments. I am not aware of the action taken by the Government of Bengal. But in respect of consignments of knives detected during the later part of 1946 and traced to two areas in the Punjab an enquiry is understood to have been made locally by the provincial authorities the result of which showed that the transactions were in the ordinary course of business and did not indicate that the manufacturers were privy to any improper intention as to the use of the cutlery despatched by them.

(d) To strengthen the existing provisions of law in this respect Government have considered the desirability of amending the Arms Act and Rules thereunder but after full examination Government came to the conclusion that practical difficulties ruled out any such amendment.

Pandit Lakshmi Kanta Maitra: Do I take it that the inquiries in this matter were made by the Provincial Government?

The Honourable Sardar Vallabhbhai Patel: The inquiries have been made by the Provincial Government.

Pandit Lakshmi Kanta Maitra: Is it not a fact that this movement of weapons did not relate to one particular province? Would the Honourable Member kindly consider the suggestion of having an investigation by the Central C.I.D.

The Honourable Sardar Vallabhbhai Patel: Unless we have reasons to doubt the inquiry of the Provincial Governments, we do not think it advisable to discredit that report and make other inquiries.

Pandit Lakshmi Kanta Maitra: With regard to the discovery of railway parcels containing daggers, is the Honourable Member also aware of the allegation that huge cases were not even claimed and they were sent by certain persons addressed to the consignee, without naming any party.

The Honourable Sardar Vallabhbhai Patel: So far as the particular parcels referred to by the Honourable Member were concerned, they were sent in the ordinary course of business and were reported to be for use as cutlery or for other ordinary domestic purposes. If there are any other parcels which were unclaimed, and if proper information is given, inquiries will be made.

Captain Syed Abid Hussain: Will the Honourable Member please let the House know if he has received any report from the Punjab Provincial Government as regards the inquiry regarding the capture of a lorry load of weapons near Amritsar and the inquiry has been going on? Has he received any report?

The Honourable Sardar Vallabhbhai Patel: We have received no such report.

Mr. Yusuf Abdoola Haroon: May I know whether the putting of such short notice questions will create better feeling in the country and whether it is advisable.....

Mr. President: Order, order. Next question.

FIRE IN AGRA FORT

Mohammad Amir Ahmad: (a) Will the Secretary of the Defence Department please state whether Government are aware of the fact that a terrible fire has been raging for the last 48 hours in Agra Fort?

(b) Are Government aware of the fact that huge stocks of most valuable war materials have been destroyed?

(c) What steps are Government taking to save other parts of the Fort?

Mr. G. S. Bhalja: (a) Yes, Sir. A fire broke out in Agra Fort on the 8th April and was brought under control at 0930 hrs. on the 9th.

(b) Certain military stores were destroyed by the fire but the exact quantity and the value are not yet known. A Court of Enquiry is being held and the amount of loss suffered by the fire will be known only when the enquiry is concluded.

(c) The fire has now been extinguished. The exact damage to the Agra Fort will not be known until the report of the Court of Enquiry is received.

Mohammad Amir Ahmad: Did this include some stock which was taken over by the Government of India from the Americans?

Mr. G. S. Bhalja: As I said, we are awaiting the report of the Court of Inquiry.

Mr. Ahmed E. H. Jaffer: Will the Honourable Secretary be good enough to relieve us of our very great anxiety whether the Taj was affected by this fire?

Mr. President: Is the Taj situated in Agra Fort?

Mr. G. S. Bhalja: The Taj is some distance from the Fort.

Shri Mohan Lal Saksena: May I ask for how many hours the fire continued before it was brought under control?

Mr. G. S. Bhalja: I have not got the exact time of the duration of the fire, but it started on the 8th April and it was brought under control at 8-30 A.M. on the 9th. So, it must have continued for less than 24 hours.

Sri N. Narayan Murthi: Is Jumna also on fire?

Maulana Zafar Ali Khan: May I ask the Honourable Member what were the causes of the Agra Fort fire? Was it due to sabotage?

Mr. G. S. Bhalja: That also is being inquired into by the Court of Inquiry which has been appointed.

Khan Mohammad Yamin Khan: May I ask if any old building in the Fort has been damaged?

Mr. G. S. Bhalja: I have not got any detailed information as regards the damage done. All that information will be available after the Court of Inquiry has sent in its report.

Mohammad Amir Ahmad: Will the Honourable Member place a copy of that report on the table of the House?

Mr. G. S. Bhalja: That suggestion will be considered.

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 11th April, 1947, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meetings held on Monday, the 7th and Tuesday, the 8th April, 1947, namely:—

- (1) A Bill further to amend the Income-tax Act, 1922, and the Excess Profits Tax Act, 1940.
- (2) A Bill further to amend the Reserve Bank of India Act, 1934.
- (3) A Bill to provide for the development under central control of the rubber industry so far as regards the production and marketing of rubber, and for regulating the export from, and import into, British India of rubber.
- (4) A Bill further to amend the Indian Tariff Act, 1934, and the Sugar Industry (Protection) Act, 1932."

ELECTION OF A MEMBER TO GOVERNING BODY OF INDIAN RESEARCH FUND ASSOCIATION

Mr. President: I have to inform the Assembly that upto 5 p.m. on Friday, the 11th April, 1947, the time fixed for receiving nominations for a vacancy on the Governing Body of the Indian Research Fund Association in place of Dr. Hassan Suhrawardy, deceased, one nomination was received. I, therefore declare Dr. Zia Uddin Ahmad to be elected to the Body, the election of which is now complete.

DENTISTS BILL

Mr. S. H. Y. Oulsnam (Government of India: Nominated Official): Sir, I move for leave to introduce a Bill to regulate the profession of dentistry.

Mr. President: The question is:

“That leave be granted to introduce a Bill to regulate the profession of dentistry.”

The motion was adopted.

Mr. S. H. Y. Oulsnam: Sir, I introduce the Bill.

ANTIQUITIES (EXPORT CONTROL) BILL

The Honourable Maulana Abul Kalam Azad (Member for Education and Arts):

(The Honourable Member spoke in Hindustani. For Hindustani text see Appendix to the Debates for the 12th April, 1947, English translation given below.—*Ed. of D.*)

Sir, I move:

“That the Bill to control the export of antiquities be taken into consideration.”

The need for this Bill is so evident that it needs no explanation. You know, Sir, that the antiquities of a country are its greatest wealth but unfortunately India has passed through two hundred years in which not only her gold and silver were drained but her cultural wealth also was taken away. At present two things are needed. Firstly, a law must be enacted for the future and their export controlled. Secondly, the antiquities of historic value which have already been sent out of India should be recovered. So far as the first is concerned the present Bill is before you. The object of the Bill is not to enact any hard and fast measure and to place obstacles in the way of foreign parties who take interest in the antiquities of India. Its object is to bring it under the control of the Government so that in future special measures may be taken for their export. That is why there is a provision in the Bill that no Indian antiquities shall be sent abroad without obtaining previous licence from the Government of India. At first rules for obtaining licence were also incorporated but then it was thought that a brief Bill would do and those passages were deleted. There is, however, a section which provides for the making of such Rules occasionally whenever they are required.

There are already two laws which we shall have to take into consideration. One is Customs Act 1878. Section 183 of which prevents the export of such articles outside India. It lays down two alternative punishments for the offender—either the confiscation of the articles or the imposition of fine on the exporter. I do not want to give such option. The articles should, in all cases, be confiscated. This has been mentioned in Section 4 of the present Bill so that there may be no wrong impression of the above Section.

The other measure is Indian Monument Act of 1904. Its position has been cleared in the last section. Its provisions have been extended and not reduced.

One question that you have to take into consideration is that of punishment, that is, if a person contravenes the provisions of this Act what punishment

[Maulana Abul Kalam Azad.]

shall be given to him? I consulted the laws of Iraq and Palestine in this connection. In Iraq the punishment is rather severe. It is three years punishment and a fine of 200 *dinars*. An Iraqi *dinar* is equal to Rs. 13/5 of Indian Money. Thus you can compute the equivalent of 200 *dinars* in Indian money. I wanted to provide for a punishment of 6 months' imprisonment and a fine of Rs. 5,000. After consulting the legal expert, however, I concluded that Palestinian law would serve our purpose for the present. It lays down one month's imprisonment and £20 fine. I have kept one month's imprisonment and Rs. 5,000 fine. I have increased the amount. The real object is to stop the unlicensed export of antiquities. If they are exported they shall be confiscated. By confiscation the object of this law is gained. The punishment is sufficient as a deterrence.

Every particular is now before you in connection with this Bill. Its objects are clear and plain and I hope the House will pass it without any discussion.

Mr. President: Motion moved:

"That the Bill to control the export of antiquities, be taken into consideration."

Khan Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I support this Bill which was due long ago and which has not been brought a moment too soon. Valuable collections from this country have gone to Paris and England, to the British Museum and the Secretary of State's office; that would not have happened if this Bill had been passed before. The late Sir Fazli Husain as Member in charge of Education introduced a similar Bill but on account of some flaw it could not be effective and things passed out of this country even after the introduction of that Bill. This Bill is very necessary and I shall be glad if what the Honourable Member in charge said is done, though I do not find any provisions about it in the Bill, that what has been already exported out of India will be brought back. I wrote to the Honourable Member about it and he has been kind enough to give me a reply; I have felt for a long time that there is no reason why a big library which should have been transferred to India should be in the Secretary of State's office. Now an Indian Government is in office and this library which contains rare and valuable books and manuscripts, which are very essential for research work in history and other subjects, should be brought back. There is no one in England who is fit enough to read them, and our research workers have to go there to read these books and manuscripts. I know some papers about Indian history are found in Paris and Berlin and in the British Museum but in no library in India. Even such a valuable library as the Khuda Bakhsh library has not got those manuscripts, and our research workers have to go to England to study these missing links in Indian history. I do hope that the Education Member will see his way to get back this collection as soon as possible.

Then there are other things like statues, etc., which are a great evidence of our culture and civilization, which have to be brought back. They throw much light on our historical past, and if we allow our antiquities to be exported while carrying on excavations here, it serves no purpose whatever. Therefore I submit that they have all to be brought back.

Sir, I support the Bill.

Mr. Sasanka Sekhar Sanyal (Presidency Division: Non-Muhammadan Rural): Sir, while joining with the Deputy President in welcoming this Bill I take the cue from him also in regard to things which have already gone out. This Bill is certainly a good measure in so far as it wants to protect our country from further drain in the matter of our valuable historical material. We all know to our regret that many precious things have already gone out, but efforts have also to be made to get them back, of course by negotiation. The Honourable Member stated that he is already in communication with the

Secretary of State in regard to getting these things back. I may be excused if in this connection I refer a personal matter. Only during the current session I asked a question as to whether some valuable paintings were not sent out of this country and imitations made to take their place. The answer given by Government was not very encouraging; but I am glad that the hint has been taken and this Bill introduced.

There are two aspects of this Bill, one about recovery and another about working the measures that are here proposed. With regard to the measures proposed I think there is a *lacuna* that the word "antiquity" has not been defined properly. It has been made to be interpreted as some art or work of art. But as 'art' is not defined we do not know what the fate will be of certain pieces of workmanship which we ordinarily call works of art. If it is proposed to follow the dictionary meaning that does not improve the position because from a dictionary I have with me I find that 'art' is something different from 'fine art'; and I am sure that while the Honourable Member was trying to give protection to works of art the question of paintings was uppermost in his mind. But paintings will go out of the purview of this legislation and 'art' has not been so defined as to include paintings and other works of fine art. In this connection I will invite attention to clause 2(iv) under which the Central Government is proposed to be given authority to include within art or antiquity certain things which are one hundred years old. That will certainly include painting. It is only for the centre to declare by a notification that a painting which is one hundred years old will come within the purview of this law; but what about a painting which is not hundred years old? That does not come in. As the Honourable Maulana Azad is now in charge of the subject I do not grudge larger powers being given to Government, to include within antiquities not only paintings that are one hundred years old but also recent paintings because we want to protect those also.

If it is 99 years old it is not of less antiquity than if it is 101 years old. Our intention is not really to protect those dusty things only because in the last one hundred years the art of paintings has grown by leaps and bounds. So a painting which is 25 years old is as much a precious work of art for us as a painting which is one hundred years old. My Honourable friend Pandit Balkrishna Sharma says we cannot stop those articles. We have to stop them. That will not cause any hardship. My friend Khan Abdul Ghani Khan was just referring in a private conversation about the jewelleryes that certain gentlemen when going to England with their wives, take with them. Naturally they will have to take permit for them, at first sight. That is wrong. My friend says that he would rather not take any jewels than give any opportunity for a foreigner to play this subterfuge and purchase the jewellery and then take them out. Similarly Mr. Sharma need not be nervous. If he wants to export some work of art, he will have a permit under this protective measure. If we do not give the same protection to works of art of 25 or 50 years old, then our purpose in giving protection to works of art of 100 years old will be nullified. The difficulty is that these works of art do not bear the date of their manufacture, so nobody knows the age of these works of art. Who will decide whether a particular art curio is 100 years old or less than 100 years old. Therefore, I submit it will be better if the Government take upon themselves the responsibility for protecting all kinds of art. The purpose would have been served if the provision laying down rule making power of the Government were a little differently worded.

"The Central Government may by notification in the official Gazette make rules to carry out the purposes of this Act:

In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the procedure for granting licences."

[Mr. Sasanka Sekhar Sanyal.]

Here the Government ought to have taken power to determine which would come within the purview of this Act, for this particular purpose. That would serve the purpose and the protection would be there. Of course for those things, we need not delay the passage of this Bill. Let us go ahead with it. If any alteration is necessary, we may make it later on.

Then one word regarding the recovery of valuables. It will not merely do to communicate this to the Secretary of State. He may be a good friend of India. But he may not disclose everything that the Britisher has taken away. Something has been taken away by the front door, in the shape of presents, some other things by the back door on the plea of presents. India has become poorer by being deprived of these works of art. For example the valuable sculptures in Amaravati were taken away, we must get them back. The peacock throne has been taken away, we must get it back. In the Princes gallery, very valuable things have been taken away. Even the Kohinoor should be brought back. For this purpose a fact finding commission is necessary. We must send a commission to England and other countries negotiate for the return of these treasures of art. They should make an inventory of all the articles which have gone out. Otherwise the purpose of this Bill will not be complete. In this connection, I would refer to an incident in the life of Napoleon. He was an exile in St. Helena. The Chinese sent him some presents, a very valuable present. The jail wardens intercepted the parcel, just as detenus articles are intercepted by the C. I. D. After inspection, it was found that the present was not an injurious article and so it was brought before Napoleon and he was told that it was a present from the Chinese. Napoleon ordered it to be placed in the British Museum saying that he will conquer England and then bring it back. We need not conquer England but still we have to get back our things. I am sure our friend from the European Group will render us all the help. There is nothing politically undesirable in this effort. We are going to make ourselves independent. I hope they will help us to get back our rightful property. If we succeed in this mission, then the purpose of this Bill will have been more than amply served.

Mr. Muhammad Amir Ahmed (Lucknow and Fyzabad Divisions: Muhammadan Rural) (The Honourable Member spoke in Hindustani. For Hindustani text see Appendix to the Debate for the 12th April 1947. English translation given below.—*Ed. of D.*): Sir I want to ask the Honourable the Minister for Education through you how will those antiquities which were taken or purchased from India by American or British tourists be recovered?

Secondly, there are certain relics which are sent from here to other countries. For instance, people want to send their old religious books to Mecca and Medina (as the word religion has occurred in it so I wish to ask it). Will such articles be allowed to be sent? I solicit answers to these two questions from the Honourable the Minister for Education.

Khan Abdul Ghani Khan (North West Frontier Province: General): I realise that this is the last date and so we must hurry up these Bills and much discussion is not necessary. I come from that part of the world which has really suffered very much from this, official and non-official form of robbery that has been carried on in India for the last 200 years. The whole Frontier province is very rich in old monuments, some of them have been excavated, but about 95 per cent of them are still unexcavated. To start with our Rulers have left nothing there, from the ashes of Buddha right down to the most ordinary copper coins, they have all been taken away, because the Frontier Province, until 1935, had no rules and regulations. The Government did not remove so many things as the ordinary aesthetic English treasure hunter, for the past 200 years. I went to Chitral and there those people are left with mere wooden statues which would make you cry. You go through the whole

valley there and you come to some arm or other taken away, there is the base, from the top the statue is sawn away and taken away. Not a single statue is left in tact. If you go to the monastery you find only the pedestal and the statues are all in the British museum. Our province has been robbed completely, it is not like the rest of India. I think you will have no difficulty in getting back our things from the British. They will certainly give them to us. We should try and get back our things from the private treasure hunters, who have removed many more things than the British Government. When I was in England three or four years ago, a friend of mine took me to an antique jewellery shop. I was surprised to see not only Indian treasures of art, but also all the world's finest specimens. They are now coming out for sale in England. There are thousands of these things. You will find ancient *sanskrit* manuscripts in Berlin, you will find the best copy of *Shahnama* in London, the finest caligraphic specimen of the *Koran* probably in Paris. Now the latest and the most terrible menace to our oriental treasure comes from the Americans. Americans are all mad after treasures not only from India but from all other places in the world and they will pay anything to get these treasures. We are glad that after all the Government is paying attention to this. In spite of its shortcomings, I think the Bill deserves our support wholeheartedly and I hope it will be passed into law.

Mr. M. A. F. Hirtzel (Bengal: European): It is obvious from the speeches which have already been made that this Bill is a matter which touches the Indian sentiment closely (Interruption). If Honourable Members would allow me to proceed, I wish to say that the Indian sentiment is most deeply touched by this Bill and it is a sentiment we respect. We pay the greatest respect to it. Honourable Members in this House are apparently unaware that we come from a country which has also been looted in the same manner to which they are objecting by the Americans. I would ask them to bear in mind this aspect when they reflect on the measures which are necessary to remedy the situation. We ourselves have taken no prohibitory steps. Our course of action in the case of an object which we consider of such value and interest as to be deemed to be of national importance is to raise a national subscription in order to buy it off and thus prevent its leaving the country and from being taken abroad. I think in imposing no prohibition we have been guided largely by the broader point of view. These treasures generally go to people who care for them, in financial terms at least, more than we do ourselves because they are prepared to pay a higher price than we are prepared to do; and they are thus adding to the general cultural understanding between the nations and between peoples. That is a point which will not appeal at this stage quite so much to most members of this House when they have before them in more patriotic motive. But none the less they should bear it in mind and consider as they go round the great museums of Europe the significance of the fact that in any great museum that they go to, no matter how the objects were acquired, you see objects from every country of the world. You are able to see them and study them, and that is of great cultural significance for world relationships. There can be no doubt about that. However, I do not propose to go further into the principles involved.

The point I do want to make is that this Bill appears to us to have been badly drafted and put hurriedly through. I understand Honourable Member's language sufficiently to know that in his introductory speech he spoke entirely of Indian antiquities, but there is nothing in the Bill to indicate that this Bill relates only to Indian antiquities. Whereas I say we greatly respect Indians' sentiment about India's own antiquities, we also know that there is a very valuable world trade in antiquities and I cannot see any possible reason why, if I have purchased antiquities of value abroad—say paintings—and have imported them into this country, why the Government of India should have the right to say when I want to take them away again that they are going to take over

[Mr. M. A. F. Hirtzel.]

the paintings themselves, that I should go to jail for a month, and I should pay a fine which may extend to five thousand rupees. Of course my painting is put in India's museum for people to admire. I quite agree; let them admire it, but it seems rather a hardship to me and it seems, if I may venture the term, a little narrow-minded to go about it in this way. Any one who goes round Delhi knows that the trade in antiquities in this country is a very valuable trade. India is already, I believe, the only big country in the world which charges an import duty on antiquities; I think I am correct in saying that they can be taken into both England and America without paying any duty. India already charges an import duty. Now we are coming to a position where after having imported them once and having paid an import duty one is liable to be told, if you want to export them again, they are confiscated, and they cease to be your property. That is a point which certainly merits consideration, and we suggest that the Bill be specifically made to refer to objects of Indian interest.

Then, Sir, I refer to clause 2—Definition of 'antiquity'. It is said to include any article declared by the Central Government by notification in the official Gazette to be an antiquity for the purposes of this Act. We have in the past drawn the attention of the House to bad draftsmanship amounting in fact to negation of legislation. This I suggest is another case. According to this definition any thing may be added later on by Government notification. We have no objection provided the House recognizes the powers which it confers when the definition is so worded, and provided the House recognizes the implications of so called legislation in this form. We ourselves, however, maintain that the object of legislation, and particularly of definition, is to be as precise as possible and we suggest that this sub-clause is not precise and is therefore bad.

Secondly, I wish to draw the attention of the House to sub-clause 2(b) which prohibits or seeks to regulate the export from British India by sea, land or air. That means that I could not transport an antiquity by road from Delhi to Lahore without a licence because it would have to be exported from British India several times on the way and also imported again. I merely give that illustration to show that a proposition of this kind requires very close scrutiny.

I have already referred to clauses 4 and 5 which provide that not only that things in my possession may be confiscated, but that I may be imprisoned and fined in addition, and I have to say nothing more on that.

Then, Sir, there is the obvious point that it is easy enough to lay down these regulations, but who is in fact to carry them out. Supposing I arrive at the Customs in Bombay with a cart load of brassware, who is the art expert in the Customs at Bombay who is going to say how much of that brassware is more than 100 years old. I shall be told that I have to get a licence. Very well, supposing I am living at Cape Comorin with my brassware, how do I get a licence? I write to the Director-General of Archaeology saying that I want to take it out of India, and he may think that on the face of it it looks all right and he allows it. But he may say "kindly send your cart-load of brassware to New Delhi so that I may get it examined before issuing a licence". I suggest, Sir, that all these practical difficulties require to be further examined. The fact is that we ourselves feel that this measure is ill-conceived. That is our personal feeling and I do not put it to the House. But we certainly consider and I do put it to the House that this measure has been too hastily conceived and drafted. I would therefore appeal to the Honourable Member to give it a little more consideration, and to bring it up at the next Session of the Assembly. If he is not prepared to do that, I hope that he will at least be prepared to accept amendments so as to remove the glaring defects in this Bill.

Shri Satya Narayan Sinha (Darbhanga cum Saran: Non-Muhammadan): The question may now be put.

Mr. President: The question is:

"That the question be now put."

The motion was adopted.

The Honourable Maulana Abul Kalam Azad: (The Honourable Member spoke in Hindustani. For Hindustani text see Appendix to the Debates for the 12th April, 1947. English Translation given below.—*Ed. of D.*) Sir, the only object of the Bill is to control the export of antiquities. Regarding the recovery of those numerous antiquities which have gone out of India; it is obvious that we cannot deal with the problem in this Bill. We shall have to try to bring them back by other means. A large part of the historical wealth of India is in India Office and I am at present negotiating with the Secretary of State for its return. I hope I shall soon be in a position to make an announcement in this connection.

Some of the Honourable Members think the wordings of section 2 insufficient. If they will look at the words with a little more care they will find that every care has been taken in this connection and all kinds of 'antiquity' are covered. The doubt that the word 'art' does not cover the three branches of the Fine Art, namely, poetry, painting and music, and therefore the word, 'Fine Arts' should be added to the word 'Art'; is groundless. Everybody knows that the word 'Art' is a general term and all those things, which are in any way connected with the expression of Art, come under it. I, of course admit that in such matters no matter how much we try to secure our object by words still there remains a possibility of something turning which those words may not cover. The remedy has been provided in sub-section 4 of this section that is, in addition to articles given above those things will also be controlled which the Central Government may declare by notification in the Gazette.

Some of the Honourable Members think that the limitation of "it must have existed at least for the last 100 years" provided in sub-section 4 of section 2 is inadequate. They have brought to notice the aspect of the case that if articles less than 100 years old had an importance for India why should they not also be controlled? The object of the Bill is to protect antiquities of India, and it is necessary that a time limit should be fixed for an article to be called an antiquity and for this purpose 100 years is the minimum time which has been fixed. If an article of art or science has come into existence within the last 100 years we must admit that it cannot be included in antiquities.

It has been said that an article which is not 100 years old and yet deserves in many ways, to be counted among the antiquities, will not come within the purview of this Bill. I will ask those friends not to have any fear on this head. They must consider section 6 of the Bill. It has been made clear in that section that if a dispute arises whether an article is an antiquity or not it will be decided by the Director General of Archaeological Department and his decision will be final.

***Shri Sri Prakasa** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Will the Honourable Member please state from when will the 100 years be computed?

The Honourable Maulana Abul Kalam Azad: Hundred years will be computed from the date this Bill becomes an Act.

Some of the Honourable members have said that Bill has been hastily drafted and therefore it should not be passed in haste. I am, however, not at all in agreement with this opinion. The Bill has been framed after due consideration and after consulting the laws of Egypt, Iraq and Palestine. If it were not passed in this session it is feared that many valuable antiquities will go abroad.

*The Honourable Member interrupted in Hindustani. See Appendix to these Debates, dated 12th April, 1947.

[Maulana Abul Kalam Azad.]

Negotiations are in progress for the sale of certain collections in Bombay and Calcutta and we can only retain those collections if we immediately pass this Bill.

***Lala Deshbandhu Gupta** (Delhi: General): You have assured the House that every endeavour will be made to bring back the Cultural Wealth taken out of India. May I, however, ask whether those endeavours would be confined to articles taken to Britain or to other countries also. I will specially suggest in this connection that the largest treasure of sanskrit literature is in Germany. At this time when other countries are realizing in reparations large industrial works from that country it would be proper that India should demand the return of sanskrit books taken away from India. In my opinion it will not only be improper to do so but it is the best opportunity to get them back.

The Honourable Maulana Abul Kalam Azad: It may be noted that the antiquities of India of historical importance are not to be recovered from one country. This wealth is scattered all over the world. Endeavours will be made to bring it back. There is no doubt that a large part of it is in Britain. A large portion was with Sir Henry Abbot who had a collection of more than 1,300 valuable books which have been given by him to the British Museum. In addition to those 1,300 there is another collection. Similarly a large collection which contains about 20,000 books is in the India Office. These books are of great historical importance. In other countries also antiquities, which have gone from India, are found. All possible endeavour will be made to recover them. We have not to try one method alone. Now when our ambassadors are being appointed in different countries we have to take a step on a large scale. The question will be tackled rightly and very soon a solution will be found. Our antiquities in Germany will also receive our attention.

Mr. President: Before I put the question I might just express a doubt as regards the clarification desired by my Honourable friend Mr. Sri Prakasa. I am only expressing a doubt, and saying that that is not the possible interpretation. The more natural one seems to be that the age of the antiquity will relate to the time it is sought to be exported.

Shri Sri Prakasa: I shall move that a definition like that should be put in when the clause is discussed.

Mr. President: The question is:

"That the Bill to control the export of antiquities, be taken into consideration."

The motion was adopted.

Mr. President: The question is:

"That clauses 2 to 9 stand part of the Bill."

Shri Sri Prakasa: Sir, I should like you to put clause 2 separately. I do want that point cleared to which you also referred.

Mr. President: I think the point is very clear.

Shri Sri Prakasa: I certainly want this matter to be cleared up.

Mr. President: It is clear on a proper interpretation. Will the Secretary Legislative Department clear the point?

Mr. Shavaz A. Lall (Government of India: Nominated Official): It will be determined at the time of export.....

Shri Sri Prakasa: Will the one hundred years be computed from the date on which the article is exported or from the year 1947, when the Bill is passed?

Mr. C. P. Lawson (Bengal. European): Sir, I just want to put a very brief question to the Honourable Member as regards clause 7. I was following the speech of the Honourable Maulana Abul Kalam Azad but I did not hear him

*The Honourable Member interrupted in Hindustani. See Appendix to these Debates. dated 12th April, 1947.

mention the rule making powers under this Bill. I want to ask him whether he proposes to use the rule-making powers to avoid the circumstances to which my Honourable friend Mr. Hirtzel referred. By that I mean that I want him to eliminate from the mischief of the Bill the items to which I am quite certain the Honourable Member does not intend this Bill to apply. Such items as the oil painting of my great-grand-mother, my chinese crockery or my persian carpets, I am sure he does not wish to apply the Bill to them. Will he use the rule-making powers to make that clear?

Mr. President: The Honourable Member's personal or family heirlooms? The position is obvious.

آنریبل مولانا ابوالکلام آزاد: — جو بھی اسیں تعریف کی گئی ہے وہ صحیح ہے

جن چیزوں کا اس سے مقصد ہے وہ انہیں ایلٹی کو تھڑ ہے —

The Honourable Maulana Abul Kalam Azad: The definition given is quite correct. The antiquities meant therein are Indian antiquities.

Mr. C. P. Lawson: The Bill does not say so.

Mr. President: The Honourable Member also refers to personal and family heirlooms. It is a matter of definition, so far as licences are concerned.

Mr. C. P. Lawson: I want to avoid the necessity of getting a licence for these at all.

آنریبل مولانا ابوالکلام آزاد: — جو رول ہوگا اسیں یہ چیز صاف کر دیجیے گی۔

ظاہر ہے کہ اسیں بہت سی چیزیں باقی ہیں —

The Honourable Maulana Abul Kalam Azad: This will be made clear in the Rules which will be framed. It is obvious that many things have not been mentioned.

Mr. President: The question is:

“That clauses 2 to 9 stand part of the Bill.”

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

Mr. President: The question is:

“That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

آنریبل مولانا ابوالکلام آزاد: — جناب میں تصحیریک کرتا ہوں کہ یہ بل منظور

کر لیا جائے —

The Honourable Maulana Abul Kalam Azad: Sir, I move:

“That the Bill be passed.”

Mr. President: The question is:

“That the Bill be passed.”

The motion was adopted.

COAL MINES LABOUR WELFARE FUND BILL

Mr. S. C. Joshi: (Government of India: Nominated Official): Sir, I beg to move:

“That the Bill to make better provision for financing measures for promoting the welfare of labour employed in the coal-mining industry, be taken into consideration.”

Sir, for some years past a number of measures have been taken with a view to improving the labour welfare of the coal miners. Sir, you are aware that in 1944 an Ordinance, Ordinance No. 7, called the Coal Mines Labour Welfare Fund

[Mr. S. C. Joshi.]

Ordinance, was promulgated with a view to financing the measures for the welfare of the workers in the coal mining industry. Under that Ordinance a welfare fund was established and the management of the Fund was done by the Government on the advice of and in consultation with an Advisory Committee, a representative committee, consisting of the representatives of Government, employers and workers. The Ordinance permitted the levy of an excise duty of the maximum amount of four annas for every ton of coal that was despatched from British India. The amount that was expected to be collected was between Rs. 50 lakhs and 60 lakhs. That amount was being utilised for various measures conducive to the welfare of the workers in the coal mines. A report of the activities of the Coal Mining Welfare Fund has been published and the report shows the various activities of the Fund. The main activities of the Fund during the last three years of its existence are malaria control, hospitalisation, improvement of water supply, improvement of housing, pithead baths, adult education and a number of other schemes like vegetable farms on land in the coal area.

It has been found that the housing conditions in the coalfields are very unsatisfactory. The problem of housing is a very vital and important one for the coal miners. There are only very few collieries the workers of which have got good housing. Either the colliery owners have not provided the houses or, where they have been provided, the houses are very insanitary and unhygienic. If the matter is left over to the employers and they are required to build the houses for their workers, the problem may not be solved quite satisfactorily. The needs of the coal miners in the matter of housing are very great. While

the Labour Welfare Fund could be utilised for this purpose the amount now at the disposal of the Fund is not adequate to take up the schemes of housing. The problem of housing has got to be tackled and tackled with firmness and boldness. The only proper way for an effective solution of the problem will therefore be to increase the cess from four annas to eight annas. Of course the cost of housing has gone up, and it is expected that the houses of the coal miners would cost about Rs. 2,500. At the most Government will be able to grant some amount towards the building of the houses. But the miner will not be in a position to pay the economic rent of such a house. Therefore the number of houses to be built and the position of the miner have got to be taken into consideration in any scheme of housing for the coal mine workers. A minimum of 50,000 houses will be required for meeting the needs. It is proposed to build up about 10,000 houses in the course of this year or at least by next year. The 50,000 houses will be built up in the course of a few years. If all the matters are taken into consideration, the cess will have to be increased from four annas to eight annas. The amount realised from cess will be divided and appropriated under two accounts, one to be called the Housing account and the other to be called the General Welfare account. The money to the credit of the Housing account is to be utilised for the purpose of meeting the charges of the houses that are provided for the miners. It is found that it will be a practical and feasible measure.

It is, therefore, proposed by this Bill to increase the rate of the cess, of the excise duty, from four annas to eight annas—maximum. It is however not intended to levy the full amount of the excise duty in the course of the first years: it will be sufficient if the levy is fixed at 6 annas. Out of this amount the Bill provides that not less than one anna and four pies shall be credited to the Housing Fund account and not more than four annas and eight pies shall be credited to the General Welfare account. These amounts have been fixed up after careful examination of the needs of the housing programme and the other general welfare programme.

Provision has also been made in the Bill to have a Housing Board constituted and the Housing Board will discharge the functions only in consultation

with and on the advice of the Advisory Committee that will be constituted under the Bill.

Most of the provisions of this Bill with regard to general welfare are merely taken from the Ordinance which was passed in 1944. The measure is a very important one and I do hope that Honourable Members of this House will support it.

Mr. President: Motion moved:

"That the Bill to make better provision for financing measures for promoting the welfare of labour employed in the coal-mining industry, be taken into consideration."

Mr. N. M. Joshi (Nominated Non-Official): Sir, I was waiting for a minute to see if the Honourable Member who had given notice of a motion that the Bill be sent to a Select Committee would come forward and move his motion. If he is not moving that motion I would like to say a few words now on the motion for the consideration of this Bill.

It is a matter of regret to me that the Honourable the Labour Member—or the Labour Minister—is not present this morning when we are discussing this Coal Mines Welfare Fund Bill. You will agree with me, Sir, that we are at some disadvantage in discussing the provisions of this Bill in the absence of the responsible Minister. I fully realise that my Honourable friend the Chief Labour Commissioner is a very capable man and that he will be able to explain the provisions of the Bill to the House, but I feel that the presence of the responsible Minister places us at some advantage in discussing the provisions of the Bill.

Secondly I want to make a remark regarding the procedure which the Government of India have adopted in the consideration of this measure. You will see from the number of clauses and the nature of those clauses that it is not quite a simple Bill. It is a Bill which creates a Fund; it is a Bill which creates Housing Boards; it is a Bill which creates Advisory Committees and lays down the functions of these Committees and the objects on which the Fund would be spent. It also makes provision regarding the management of the housing and the carrying out of the welfare activity. I feel a Bill of this nature should not be discussed in the Legislature before it is considered by a Select Committee. When the Bill was introduced I myself gave whatever attention I could to it and the more I think of the clauses of this Bill the more I am convinced that it would have been better if the Bill had been referred to a Select Committee. I realise the difficulty of the Government of India. They want to start collecting this fund as early as possible and I fully sympathise with that object. If the Government of India is going to increase the amount of the cess, the earlier they increase the amount of the cess the better and the larger will be the amount at their disposal to be utilised for the welfare of the coal miners but if the Government was so keen on securing increased rate of cess, I feel that the Government of India should have introduced this Bill long ago. There is nothing in the clauses of this Bill to show that this Bill could not have been introduced six months ago or a year ago. The Government of India had by an ordinance taken power to levy a cess and they spent the money on various objects of welfare and they knew that one day they would certainly like to place this legislation on a more formal and regular basis. Not only that but since the formation of the fund the Government of India knew that at least a part of this fund would be spent on housing of the coal miners. Therefore I feel that there is nothing in the Bill on which the Government of India could not have framed and based their Bill six months ago. I therefore feel that the Government of India should in the interest of the legislation itself and out of respect to the legislature bring forward such legislation in time, so that the legislature can appoint a Select Committee in order that all the clauses of the Bill should receive full and proper consideration.

[Mr. N. M. Joshi.]

Sir, the object of the Bill is to provide for the welfare of the coal miners. I feel that what prompted the Government of India in 1944 to introduce this legislation by Ordinance was not mere welfare of the coal miners. Their main and fundamental object was to secure larger production of coal and because they were interested in securing larger production of coal they at that time passed the Ordinance in order that some welfare measures may be adopted which may lead indirectly to the larger production of coal. I am not finding fault with the object of the Government of India. Even if the Government of India in order to secure larger production of coal begins to look after the welfare of the miners, I am prepared to say that that is not a bad object, although I would have preferred the Government of India to take up welfare measures for the sake of the welfare of the miners themselves and not merely for securing larger production of coal. As the object of the Government of India was larger production of coal in undertaking these welfare activities, I would have liked the Government of India to have given priority and greater importance to some other measures for the welfare of the coal miners than they have provided for in this Bill. I admit that housing is a matter of great importance but besides housing there are matters of much larger importance and more fundamental such as the question of wages. You may provide housing to the miners but if their wages are not adequate, you are not going to get the miner to work enthusiastically and well. Similarly the question of the hours of work is also a question of great importance. I would have liked the Government of India to take up these more important questions first. At least I would have liked to see that they are not neglected.

Mr. President: The Honourable Member can continue his speech after Lunch. The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. N. M. Joshi: Mr. President, when the Assembly adjourned for lunch, I was pointing out to the Government that there are some matters of the welfare of coal miners which are of greater importance than the matters which are dealt with in this Bill, such as, hours of work and the wages. So far as wages are concerned, I know that the Government of India have appointed a Conciliation Board and I expect that that Conciliation Board may make some report which may be of some use in raising the wages of the miners working in coal mines. But as regards hours of work, I do not see yet the Government of India actively moving in that matter. I would like the Government of India, if they want production, to take up the question of the hours of work also. I shall point out to them that in Great Britain they need coal not only as much but perhaps more than we do in this country, and in order that miners should be willing to go in mines and give proper production, they have now decided to introduce a 5-days week and have also taken care to see that the miners are well paid. I, therefore, suggest to the Government of India to give prompt attention to these matters of the welfare of coal miners.

Then, coming to the proposals in this Bill for securing labour welfare and also providing housing for the miners working in coal mines, I would like to suggest to the Government of India, as I have suggested before, that it is a wasteful method of securing labour welfare and even housing if you take these measures industrywise. It is wrong to consider the question of labour welfare of coal miners alone; you should also consider the question of the welfare of labour in mica mines and in factories. I would like the Government of India to take up comprehensive measures for labour welfare and I would make the

same suggestion regarding the housing of the working classes. It is not advantageous in dealing with the housing of the working classes to proceed industrywise. There is a waste involved. Moreover, the object will not be properly served.

Now, take the mining area. If you provide houses for coal miners, within that mining area there are other smaller industries where the working classes in that area are working and the Government has to find housing for them also. I have mentioned mica mines, but even within the coal area itself there are sand-stowing operations going on. There are workers engaged on these operations who must be provided with housing. Moreover, there may be shopkeepers within those areas and the employees of these shops will have to be provided with houses. Therefore, it is wrong and very disadvantageous to proceed industrywise. When an area is to be provided with housing, the Government should take into consideration all the industries within that area. That procedure of dealing with the question of housing will avoid waste. As I said, even the object is not properly served. If within the coal area itself you provide houses for the miners, that is, those people who go under the mines and dig out coal, the other working classes in that area are bound to take advantage of that housing, if not as direct tenants as sub-tenants. Therefore, it is much better to take all industries together and provide for the working classes as a whole. While I was talking about the procedure industrywise, I would like to ask the Government of India what have they done about the miners working in mica mines? Some time ago the Government of India passed legislation providing for some kind of welfare for the workers in mica mines. I would like the Government of India to tell us whether they have done anything in that matter. If so, what have they done?

Then, Sir, there is another difficulty in proceeding with the activities for labour welfare industrywise. A miner is provided with a house. He finds after some days that he wants to take up some other work within the mining area itself. Under the present difficulties and shortage of housing, the poor man may not be able to take up any other work, though he may find that it is more advantageous to him to take up the other work. He may not be able to do so because he may find it difficult to give up the house on account of the shortage of housing. I, therefore, feel that it is not also to the advantage of the workers themselves to have houses provided for workers working in different industries. It is to the advantage of the workers that all of them should in one particular area be provided with houses and not workers of one particular industry only. Then, Sir, there is another disadvantage. The workers get tied down to one industry. They are unable to change their occupation even though they are likely to be more prosperous by changing the occupation.

Now, Sir, I would like also to ask the Government of India whether their procedure of levying a cess on one industry and securing money in order to secure the welfare of labour may not enable the Provincial Governments to escape their responsibilities. Labour welfare is a responsibility of the Provincial Governments. If labour welfare includes housing, that is also a responsibility of the Provincial Governments. Labour welfare includes health, provision of hospitals and provision of medical relief. That is also a responsibility of the Provincial Governments. Therefore, if the Government of India proceeds by these methods of levying cesses on industries, the Government of India, in my judgment, wrongly absolves Provincial Governments of their responsibility for the subjects for which they have become responsible, such as, the maintenance of public health, provision of housing and the maintenance of provision of medical relief. Now, not only this method enables the provincial governments to escape their responsibilities but in the mining area, there are organisations brought into existence to look after the health of the people in those areas. There is in existence the Jharia mines Health Board, in Asansol mines also, there is a Health Board. These boards are statutory boards.

[Mr. N. M. Joshi.]

They are charged with the responsibility to look after the health of these coal areas. We not only free provincial governments to escape their responsibilities for health, housing etc., but we also enable these statutory boards to escape their responsibilities. I therefore feel that the Government of India should have undertaken this legislation which would not have permitted provincial governments and these Health Boards to escape their responsibilities. I feel strongly on this point because I feel that the Government of India by this cess may not be able adequately to protect the health of the mining areas and also may not be able to provide adequately for housing in mining areas. Unless they throw some responsibility on the provincial governments for housing and public health which is really their responsibility and also make statutory local bodies take their share in this matter. My Honourable friend the Labour Commissioner stated that the Government of India is bringing in this legislative machinery for looking after the welfare activities. In the first place, they are bringing into existence a housing board which is not a representative board at all. If you want the housing of the working classes to be provided in a satisfactory manner, the board which is managing the housing must be a representative board. If the employers do not like to be represented on that board, it is not for me to insist for them, but I insist that on the Board which is to look after the housing of the working classes in the mining area, there must be a representative of the miners. I know that the Government of India is providing for an Advisory committee. I feel that the provision of an Advisory committee is not enough. There should be a Board which is charged with the execution of the work, representative of miners. There is another defect in the proposals made by the Government of India in carrying out the welfare activities. That defect is that the Government of India propose to hand over to employers part of the welfare activities and also part of the provision for housing. They are providing that grants should be made to coal miners for the purpose of welfare activities for the purpose of providing housing. I feel it is very wrong thing. We are providing for a cess, we are also providing for some machinery to carry out the welfare activities and providing housing. Therefore it is wrong for the Government of India also to spend the amount of this cess through employers. Generally any welfare activities undertaken by the employers is not popular with the employees. The employees always suspect the motives of the employers and very generally they do not take advantage of the welfare activities carried on by the employers. I therefore feel that there is a danger, a grave danger of public money being wasted when that public money is handed over to the employers for the welfare of the employees. There is another objection to the public money being spent through the employers. Many of these activities are used by the employers to have control over their employees. For instance if the housing is provided by the employer the employer tries to exercise some control over his employees through the provision of housing. The same thing is true about other activities. For these two reasons I am generally against these welfare activities, at least to the extent to which they are carried on with public money being carried on through employers. If the employers spend their own money, well they are masters of their money but it is wrong to hand over public money, to the employers in order that they may be able to carry out some measures of labour welfare. Then, Sir, especially when housing has come under the control of employers, many times the employers have used the provision of housing as a means to having control over workers and we object to that method. You may know that in this country there are some people who are treated as land slaves. They are specially found in larger numbers in Madras where people are given small pieces of land. They cannot get land from any other sources, but when a man has got the land, any number of conditions are imposed on him in order that he should have that land. Similarly in days when housing is so short, when it is very difficult to get

houses, attempts may be made to make use of the housing for making working classes as practical slaves. We have brought into existence a class of land slaves, we may bring into existence a class of house slaves, if we allow housing to fall into the hands of employers. These are some of the points which I wanted to place before the legislature when this motion for consideration of this measure was being taken up. I have got a few amendments, I had a large number of amendments. But having had the benefit of some discussion with the Honourable Labour Member yesterday, I have been in a position to withdraw a large number of these amendments. But there are still some points on which there is a difference of principle on which I shall move amendments. I shall try my best not take up a very long time of the legislature which we all know is now tired.

Babu Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I wish to say a few words.

Mr. President: In view of the shortness of time at the disposal of the House, it is better that Honourable Members make short speeches, merely making out points instead of going over the same field again and again.

Babu Ram Narayan Singh: I shall take only a few minutes.

Mr. Tamizuddin Khan (Dacca cum Mymensingh: Muhammadan Rural): Perhaps it would be better if you make a rule that no Member shall take more than five minutes.

Mr. President: If it is absolutely necessary, I do not mind. I have been noticing that there is repetition of the same arguments and no new arguments are brought forward.

Babu Ram Narayan Singh: Sir, I shall not take a long time over this, and I only take part in this debate as the measure concerns my constituency. I welcome this measure but as it is a very important measure it should have been brought much earlier or some more time should have been devoted to it. I have been long in this Assembly and I have found that whenever there is any question regarding labour the Government of India profess sympathy, but on going to the spot—because as public workers we have to go there often—we find that nothing has been done. In 1944 a fund was created by Ordinance and Mr. Joshi can say whether till now anything has been done. I know that a Welfare Commission has been appointed and some houses are being constructed for the office of the Commissioners and for other people, but nothing is done for labour. I will not repeat all that Mr. Joshi has said although I support every word that he has said; but as regards housing conditions everybody knows that conditions are deplorable, and it is painful to see that such conditions still exist under our so-called civilised Government. I have seen with my own eyes these labourers, specially in the rainy season, drinking the most dirty water. Mr. Joshi said that a target of 50,000 houses has been fixed and 15,000 houses are to be built before the end of the financial year. If they are able to do it I shall congratulate them; but I feel that something ought to be done. Last year the Mica welfare Fund was created; will Mr. Joshi say whether anything has been done there on the spot? When Government pass any measure let them be active on the spot; and, as Mr. Joshi said, the owners of the coalfields and specially the local Governments should be made responsible for everything there. The Government of India sitting in Delhi and the coal-miners at Jharia and Dhanbad,—if this kind of thing continues nothing will be done. So I think everything should be entrusted to the care of the provincial Governments.

Sir, I welcome this measure and I again request the Government of India to be active on the spot for the welfare of labour.

Mr. S. C. Joshi: Sir, I will first refer to the last point raised by my Honourable friend Mr. Joshi. He criticised the machinery as being defective and he particularly referred to the provision for making grants to the managers or the owners in regard to the general welfare and also to housing. With regard to housing I should like to make it clear that it is not the intention to make grants to the owners with a view to building houses or to maintaining houses. Neither for construction nor for maintenance will a grant be made; but the idea is that if an owner has already got any other services or facilities which are very essential for a housing colony and a township, it is much better that advantage should be taken of the existing facilities provided by the employer, and it is only in such cases that it is intended to make a grant. Similarly in the case of the general welfare it is not the intention to hand over all the measures of welfare to the employer; but if an employer has already got any such machinery, advantage may be taken of the same. If an employer is prepared with a smaller grant to make good arrangements by his own contributions, it is much better to take advantage of the facilities available from the employer and giving more relief to the workers. That is the whole object of making this provision regarding grants to be made to the owners. After all, before these grants are made the Advisory Committee will be consulted and that Committee will be a representative body; and it is intended that there should be equal representation on this body of Government, the employers and the workers. The Advisory Committee, I am sure, which will have an equal representation of the workers, will be alert and will not allow any such grant to be made which will not be to the advantage of the workers.

As regards the general points raised by Mr. Joshi, of course there are advantages in having general provisions made with regard to all kinds of welfare and with regard to workers in all the industries. That is surely an ambitious plan but there is also the question of time. Instead of waiting till a general plan is thus prepared and put into execution it is much better to have smaller schemes for a limited number of workers and to give them the advantage of such welfare measures.

As regards the other points raised by Mr. Joshi, I would say that those matters are receiving attention. For instance, about this Mica Mines Welfare Fund that has recently been created, it is actively under execution.

Mr. N. M. Joshi: When was the Bill passed?

Mr. S. C. Joshi: A few months ago, and the Committee is being appointed.

As regards the point raised by my Honourable friend from Bihar, I will only refer him to the memorandum on the activities of the Coal Mines Labour Welfare Fund. In regard to malaria, effective steps have been taken through this fund and malaria has been brought down considerably; and that is an actual relief enjoyed by the workers employed in the coal mines. Similarly, provision has been made for the supply of or increasing the supply of drinking water; and in other respects much progress has been actually made on the spot and it is not merely in this Assembly that measures are brought and the Government of India show lip sympathy. It is the active sympathy that is being shown to the workers on the spot and good progress has been made. Of course the conditions of the workers in the coal mines are not at all satisfactory and they require improvement to a considerable extent, but it is not possible within a short space of time to make their conditions quite ideal. It is a question of time and time alone will show what improvements have been made. And if my Honourable friend will wait for some time I am sure he will find that considerable progress has been made.

Mr. President: The question is:

"That the Bill to make better provision for financing measures for promoting the welfare of labour employed in the coal-mining industry, be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill

Mr. N. M. Joshi: Sir, I move:

"That to sub-clause (1) of clause 5 of the Bill, the following Proviso be added, namely:

'Provided that not less than half of the cost of administering the fund and of the salaries of the Commissioner and his administrative staff are paid out of the general revenues of the Government of India.'

My object in moving that amendment is that the Government of India out of their general revenues should meet a part of the salary of the Commissioner, whom they propose to appoint as an administrative officer, and also a part of the cost of his administrative staff. There are two reasons for making that proposal: Firstly, when any measures of this nature are undertaken, generally the Government in various countries make some contribution towards the

object of these special funds. For instance, in Great Britain they have health insurance; the health insurance activities are maintained out of the health insurance funds but the Government of Great Britain pays the administrative expenses of that fund. Secondly, I do not want this special fund intended for the welfare of the miners being spent lavishly in the interest of the officers themselves, and a provision of this kind is a salutary check. If the general revenues of the Government of India are to bear a part of the administrative expenses, the Government of India will think twice before they fix a very large salary for the Commissioner or before they give a palace for the occupation of the Commissioner. There is a grave danger of the money which is intended for the welfare of the poor miners being spent for the welfare of the officers. I want to provide some salutary safeguard against that misuse or abuse or waste of that money. When the Government of India started the miners welfare fund, they spent a good bit of that money for building a palatial bungalow for the Commissioner and for other officers. I do not want the money to be wasted in that manner, and I feel that a safeguard of this nature will be very useful.

Mr. President: Amendment moved:

"That to sub-clause (1) of clause 5 of the Bill, the following Proviso be added, namely:

'Provided that not less than half of the cost of administering the fund and of the salaries of the Commissioner and his administrative staff are paid out of the general revenues of the Government of India.'

Mr. S. O. Joshi: I am sorry I cannot persuade myself to accept the amendment moved by my Honourable friend, Mr. Joshi. The Government of India has undertaken the responsibility of making grants to the Fund and provision has been made in sub-clause 2 of clause 4, and as such if any administrative cost has to be paid, as suggested in Mr. Joshi's amendment, then the grant will be reduced.

As regards his point that there will be a salutary check and safeguard on the expenses in connection with the administration of fund, I submit that the check is already there inasmuch as the whole thing will be done in consultation with and on the advice of the committee. Therefore there is no need of any further safeguard or check on the lavish expenditure that Mr. Joshi apprehends in the matter of administration of the fund and on the salaries and allowances of the officers.

It is also intended to provide for submitting a full statement of accounts and also a report in regard to welfare measures as also in regard to the Housing Board before the Advisory Committee. I therefore do not see any necessity of the safeguards which Mr. Joshi seeks to provide in the proviso.

Mr. President: The question is:

"That to sub-clause (1) of clause 5 of the Bill, the following Proviso be added, namely:

'Provided that not less than half of the cost of administering the fund and of the salaries of the Commissioner and his administrative staff are paid out of the general revenues of the Government of India.'

The motion was negatived.

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural):
Sir, I move:

"That in sub-clause (2) of clause 5 of the Bill, for the word 'shall' where it first occurs, the word 'may', be substituted."

Mr. President: Amendment moved:

"That in sub-clause (2) of clause 5 of the Bill, for the word 'shall' where it first occurs, the word 'may', be substituted."

Mr. S. C. Joshi: I accept this amendment.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): May I ask the reason for this particular change?

Sjt. N. V. Gadgil: The reason is very simple. If we keep the word 'shall', then the grants must be given to owners who have done something. Here by the word 'may' some discretion is given. It is out of deference to the wishes of the labour leaders who had a conference with the Honourable the Labour Member day before yesterday and as a result of the compromise arrived at that these amendments have got to be moved.

The President: The question is:

"That in sub-clause (2) of clause 5 of the Bill, for the word 'shall' where it first occurs, the word 'may', be substituted."

The motion was adopted.

Mr. N. M. Joshi: Sir, I beg to move:

"That in part (b) of sub-clause (4) of clause 5 of the Bill, the words 'or the owner, agent or manager of a coal mine', wherever they occur, be omitted."

The object is, as I explained in my first speech, to prevent money being given in the hands of the owners, or their agents. My Honourable friend, the Chief Labour Commissioner, gave some justification for making a provision that grants may be given to the owners. I do not think that, that is a proper justification. He said that there is an Advisory Committee which will be consulted before grants are made. We know these Advisory Committees. In these advisory committees 1/3rd of the representation is given to the employers and another 1/3rd to Government. So if Government and the employers combine, they can take the whole fund to themselves. That is no check, therefore, it is improper to make grant to the employers. Then, Sir, he said in the case of housing the grant is given not for the housing but for the service which the employer may render. I feel, Sir, that if the Government want to take advantage of the services provided by the employers, such as electricity, the Government need not give a grant to the employers. The Government may pay for due cost of the service which they take from the employers, because the Government of India will have to pay for many services which other people may render to them. Then if the employer is carrying on some activity Government will make some grant. That is exactly how I do not want the money to be spent. The employers carry on welfare work for their own object: that is either to secure labour—better labour than their competitors, or to secure some hold over his employees. If he wants to catch the labour of other employer by providing amenities, let him do so. Why need we make grants. If he wants to spend money for the welfare of his employees, well, we need not make grants for that purpose. It is said when a measure of this kind is being considered that if a legislation of this kind is passed, the employers will stop their welfare activities. We have passed many welfare measures but the passing of those measures had not induced the employers from stopping their activities. The employers carry on their activities for their own purpose. Therefore it is wrong for us to make grants from public funds for that purpose.

Mr. President: Amendment moved:

"That in part (b) of sub-clause (4) of clause 5 of the Bill, the words 'or the owner, agent or manager of a coal mine', wherever they occur, be omitted."

Mr. S. C. Joshi: I am not prepared to accept this amendment for the reasons which I have already given, and I do not want to repeat them. It is not intended to give or make any grant to any owner or manager for starting any welfare measures unless it is found essential that the workers will be at an advantage by making such grants. In that case the employer will contribute very substantially for many of his welfare measures that he will undertake and for which the grant is asked for. It is not necessary to delete these words. On the contrary, the workers will be greatly benefited if this provision exists.

Mr. President: The question is:

"That in part (b) of sub-clause (4) of clause 5 of the Bill, the words 'or the owner, agent or manager of a coal mine', wherever they occur, be omitted."

The motion was negatived.

Sjt. N. V. Gadgil: Sir, I move:

"That in sub-clause (4) of clause 5 of the Bill, the proviso to paragraph (b) be omitted."

The idea is that we are adding a new sub-clause to clause 5 under which it will become absolutely necessary that consultation with the Advisory Committee be instituted.

Mr. President: Amendment moved:

"That in sub-clause (4) of clause 5 of the Bill, the proviso to paragraph (b) be omitted."

Mr. S. C. Joshi: I accept the amendment.

Mr. President: The question is:

"That in sub-clause (4) of clause 5 of the Bill, the proviso to paragraph (b) be omitted."

The motion was adopted.

Sjt. N. V. Gadgil: Sir, I move:

"That to sub-clause (5) of clause 5 of the Bill, the following be added, namely:

'and a report of the activities financed during the previous year from the general welfare account of the Fund, and shall forward copies of such statement and report to members of the Advisory Committee'."

Mr. President: Amendment moved:

"That to sub-clause (5) of clause 5 of the Bill, the following be added, namely:

'and a report of the activities financed during the previous year from the general welfare account of the Fund, and shall forward copies of such statement and report to members of the Advisory Committee'."

Mr. S. C. Joshi: I accept the amendment.

Mr. President: The question is:

"That to sub-clause (5) of clause 5 of the Bill, the following be added, namely:

'and a report of the activities financed during the previous year from the general welfare account of the Fund, and shall forward copies of such statement and report to members of the Advisory Committee'."

The motion was adopted.

Sjt. N. V. Gadgil: Sir, I move:

"That in sub-clause (7) of clause 5 of the Bill, after the words 'ensuing financial year', the words 'together with a report of the activities financed during the previous year from the housing account of the Fund' be inserted."

Mr. President: Amendment moved:

"That in sub-clause (7) of clause 5 of the Bill, after the words 'ensuing financial year', the words 'together with a report of the activities financed during the previous year from the housing account of the Fund' be inserted."

Mr. S. C. Joshi: I accept the amendment.

Mr. President: The question is:

"That in sub-clause (7) of clause 5 of the Bill, after the words 'ensuing financial year', the words 'together with a report of the activities financed during the previous year from the housing account of the Fund' be inserted."

The motion was adopted.

Sjt. N. V. Gadgil: Sir, I move:

"That to sub-clause (7) of clause 5 of the Bill, the words 'and shall forward copies of such statements and report to members of the Advisory Committee' be added."

Mr. President: Amendment moved:

"That to sub-clause (7) of clause 5 of the Bill, the words 'and shall forward copies of such statements and report to members of the Advisory Committee' be added."

Mr. S. C. Joshi: I accept the amendment.

Mr. President: The question is:

"That to sub-clause (7) of clause 5 of the Bill, the words 'and shall forward copies of such statements and report to members of the Advisory Committee' be added."

The motion was adopted.

Sjt. N. V. Gadgil: Sir, I move:

"That in sub-clause (11) of clause 5 of the Bill, for the words 'a copy' in both places where they occur, the word 'copies' be substituted."

Mr. President: Amendment moved:

"That in sub-clause (11) of clause 5 of the Bill, for the words 'a copy' in both places where they occur, the word 'copies' be substituted."

Mr. S. C. Joshi: I accept the amendment.

Mr. President: The question is:

"That in sub-clause (11) of clause 5 of the Bill, for the words 'a copy' in both places where they occur, the word 'copies' be substituted."

The motion was adopted.

Sjt. N. V. Gadgil: Sir, I move:

"That to sub-clause (11) of clause 5 of the Bill, the words 'and to members of the Advisory Committee' be added."

Mr. President: Amendment moved:

"That to sub-clause (11) of clause 5 of the Bill, the words 'and to members of the Advisory Committee' be added."

Mr. S. C. Joshi: I accept the amendment.

Mr. President: The question is:

"That to sub-clause (11) of clause 5 of the Bill, the words 'and to members of the Advisory Committee' be added."

The motion was adopted.

Sjt. N. V. Gadgil: Sir, I move:

"That to clause 5 of the Bill, the following sub-clause be added, namely:

'(13) Before incurring any expenditure from the Fund other than expenditure of a routine or urgent nature the Central Government or, as the case may be the Housing Board, shall consult the Advisory Committee.'

Mr. President: Amendment moved:

"That to clause 5 of the Bill, the following sub-clause be added, namely:

'(13) Before incurring any expenditure from the Fund other than expenditure of a routine or urgent nature the Central Government or, as the case may be the Housing Board, shall consult the Advisory Committee.'

Mr. S. C. Joshi: I accept the amendment.

Mr. President: The question is:

"That to clause 5 of the Bill, the following sub-clause be added, namely:

'(13) Before incurring any expenditure from the Fund other than expenditure of a routine or urgent nature the Central Government or, as the case may be the Housing Board, shall consult the Advisory Committee.'

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.

Mr. N. M. Joshi: Sir, I beg to move:

"That in sub-clause (1) of clause 6 of the Bill, after the words 'Coal Mines Labour Housing Board, the following be inserted, namely:

'consisting of the Commissioner and an equal number of representatives of the owners of coal mines and of mine workers'."

The object of this amendment is to suggest that the Housing Board which has to build houses and look after the maintenance of these houses and the management of these houses should be a representative Board. That is the Board may contain an officer of the Government of India. It should also contain a representative of the mine owners and a representative of the mine-workers. If the houses are to be properly built, there should be a representative of the mine-workers. If the houses are to be properly managed in the interests of the mine-workers there should be a representative of the mine-workers on this Board.

I therefore suggest that my amendment may be accepted by the House.

Mr. President: Amendment moved:

"That in sub-clause (1) of clause 6 of the Bill, after the words 'Coal Mines Labour Housing Board, the following be inserted, namely:

'consisting of the Commissioner and an equal number of representatives of the owners of coal mines and of mine workers'."

Mr. S. C. Joshi: The Housing Board that is provided will be of a somewhat technical nature. It is not intended to make this board a big one. It is intended that the Chairman shall be the Commissioner and there will be a few other members who will be technical men to advise on matters relating to housing. When a scheme is prepared by the Housing Board, before it is actually put into execution, the General Advisory Committee will be consulted, and its advice sought. On that body there will be representatives of the workers. At that time they will be in a position to express their opinion as to the advisability of having the scheme adopted or dropped or getting it modified in such a manner as will be in the best interests of the workers. Therefore it is neither necessary nor advisable to have representatives either of the workers or employers on this Housing Board. I therefore oppose the amendment.

Diwan Chaman Lall: May I ask Mr. Joshi as to how he explains the point? If a scheme prepared by the Housing Board is to go to another body on which there are representatives of the working classes, who will have the right to vet the scheme, why cannot there be a representative of the working classes *ab initio* in the Board itself? Instead of accepting Mr. Joshi's amendment, my Honourable friend might have quite easily drawn attention to the fact that in Clause 6(1) and (2) the appointment of the members is to be made by the Central Government. While making that appointment he could have easily said, and I hope he will say so, that the Government will keep in view the necessity of appointing somebody who is going to live in that particular house built under the scheme, so that he could advise the board as to what type of houses should be built. I am rather surprised that when the Housing Board for the working classes is constituted in the original stage itself no advice is taken of people who are intimately concerned with these buildings that are going to be set up. It is not enough to say that it is a technical board. It is not going to be a technical board. In the matter of housing you have technical people: at the same time you must get the advice of those who are capable of giving it to you from their personal experience—advice as to what type of houses

[Diwan Chaman Lall.]

they want. You, Mr. President, will remember that when the Improvement Trust in Bombay set up a certain number of chawls, how difficult it became to get the workers to live in those Improvement Trust chawls, because none of the workers had been consulted as to the type of chawl they wanted. If you say that after the Housing Board has decided you will go to the Advisory Committee or to some other organisation on which there will be representatives of workers, I suggest that my Honourable friend may give an assurance to Mr. Joshi that even at the original stage when the Central Government is going to make the appointments to the Housing Board, at that time they will keep in view the necessity of appointing a workers' representative to the Board, so that their advice may be taken.

Mr. S. C. Joshi: The idea is to have this Board almost of a technical type, charged with not only preparing schemes but executing them. At the early stage it is not necessary to have any advice from the workers' representatives or the representatives of the employers. When the plan is prepared and ready, then it will go to the Advisory Committee. They will have their full say then. The matter will again be reconsidered by the Board and unless and until it is finally approved by the Advisory Committee it will not be carried out. Therefore if the Board is made too big and if representatives of different interests are allowed to have their say, it will make it difficult to have smooth working and it will only delay matters instead of the execution being speeded up. It is only with that intention that we have decided that the Board may not necessarily consist of the representatives of any particular interest.

Diwan Chaman Lall: Is there any objection at this stage?

Mr. President: The question is:

"That in sub-clause (1) of clause 6 of the Bill, after the words 'Coal Mines Labour Housing Board, the following be inserted, namely:

'consisting of the Commissioner and an equal number of representatives of the owners of coal mines and of mine workers'."

The motion was negatived.

Mr. President: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Mr. N. M. Joshi: Sir, I move:

"That sub-clause (1) of clause 7 of the Bill, be omitted."

"This clause provides that when anybody occupies a house built out of the Housing Fund, then the Housing Board or the Government of India may impose conditions regarding the employment of a miner or any other person and other conditions of occupation. One can understand when a man occupies a house as a tenant that there should be some rules regarding the use of that house. The House owner may insist that the tenant shall keep the house clean or that he should not damage any part of the house. But this is not what the Government of India is proposing to do by this legislation. They are proposing that if a house is provided to any person then the Government of India should have the power to lay down conditions regarding his employment. I do not know what conditions the Government of India may want to impose regarding the employment of the men. I feel that this is wrong. As I said in my general speech, the Government of India may, against their wishes or without wishing it, create a sort of house slavery in this country. There is so much shortage of houses in this country that tenants who are in difficulty may accept conditions regarding their own employment in order to secure a house. As I said in my general speech in this country there are land slaves and if

they are to be relieved of their slavery, then such conditions attaching to the holding of land must be removed. Similarly if miners are to be prevented from being house slaves, we should not permit any conditions regarding their employment being imposed on them in order that they should be provided with houses. I hope my amendment will be accepted by the House.

Mr. President: Amendment moved:

"That sub-clause (1) of clause 7 of the Bill, be omitted."

Mr. S. C. Joshi: Sir, the amendment moved by my Honourable friend, Mr. Joshi, is only in keeping with the general objections which he raised with regard to measures of this kind relating to particular industries. This measure is intended only for the benefit of genuine miners and steady miners and therefore when any measure is adopted for the benefit of a particular class of workers, there must be provision in the Bill which will secure the benefit to that class of workers and will not be taken away by others. It is therefore necessary to have some restriction or condition regarding the fact that the man who occupies a house is a genuine and steady miner. It is true that the sub-clause as worded is not very happy. It is not at all intended to impose conditions regarding all matters relating to the employment of a miner and to make him a slave. At the same time it is necessary to make sure that he is a genuine miner and therefore to that extent the wording has to be changed. The amendment which has been given notice of by my Honourable friend Mr. Gadgil will secure that object which Mr. Joshi has in view that a person to be entitled to the accommodation must have at least some attendance as a miner and it is only then that he will be entitled to the accommodation; otherwise he will not be given the accommodation. What shall be the number of days of attendance to entitle him to get the benefit of the house is a matter of detail and will have to be left to the rules. I therefore cannot accept the amendment of Mr. Joshi.

Diwan Chaman Lall: Sir, I am somewhat shocked at what my friend Mr. S. C. Joshi has said just now. Could he quote any instance in any part of the civilized world where this particular piece of legislation, as is to be found here in this clause, has been inserted? I ask my friend, I challenge him to produce any piece of legislation in any part of the world. He knows perfectly well that throughout the world the difficulty in regard to miners has been that they have not been in a position to attend to their employment in the continuous manner in which other industrial workers do. He knows the difficulty arises. It has arisen today in Great Britain. There is a great coal shortage, and only a few weeks ago there arose the necessity of getting coal miners to work continuously. He knows that in America it is exactly the same position. He knows also the position in India. He is well aware, after an enquiry that we held for a considerable time into the coal mining industry, that from time immemorial the custom has been that the miner is not a regular attendant at his work and nothing is going to compel him to do so until his conditions of employment and living become better. I do not know if my Honourable friend has ever been down a coal mine—probably he has. I do not know whether my Honourable friend Mr. Gadgil has been down a coal mine. I find he also has. Then my Honourable friend should know how terrible the conditions of employment are and he should know that the physique that is commanded by our miners, the low standard of their diet, their terrible conditions of housing, their lack of medical relief—all those contribute to the necessity for the miner to work the minimum number of hours, just to make a bare living since he is incapable of applying himself assiduously to his task. What does my Honourable friend Mr. Joshi want? He wants to fix in the rental,—which is purely a thing between the landlord and the tenant—he wants to put into this clause relating to the lease of a particular house to a miner, other things which have nothing

[(Diwan Chaman Lal.)]

whatever to do with the relationship of landlord and tenant. How would my friend Mr. Joshi himself like it if in occupying a government house a condition were inserted in it that he must be compelled to make six speeches a day on the floor of this House as a Member of the Assembly or that he must be made to sit on the floor of this House in his seat all the time from 11 o'clock right on till 5—how would he like it? He would not like it. It has nothing to do whatever with his occupancy of his house. I submit that we are making laws which have no significance whatever to the subject matter to which they relate. We are here making a law for providing housing for the miners. It is obvious that a miner, if he is a miner, will occupy that particular house. It is also obvious that a rent deed can be had; as you contemplated, and the conditions can be read out to him. The conditions obviously can include a fifteen days' notice. If it is discovered that he is no longer a miner then you can get rid of him by giving him fifteen days' notice. Why do you want to go beyond that and say 'you are a miner no doubt, but you are working only for three days in a week; we, this Government, or this particular Board, require you to work for five days a week, and if you refuse to do so you shall not be allowed to occupy this house'? What justification is there for it? This is a method which will lead to tremendous strikes in the coal mining area. You will find that you will never be able to get the miner out of the house if this is the condition on which you want to get him out, namely that he is working for only three days in the week and you want to compel him to work five days in the week. Even the amendment moved by my friend Mr. Gadgil will modify the proposition like this. At the present moment the conditions that will be laid down for the occupancy of these houses will be certain conditions relating to his employment. That is what this particular clauses states. Mr. Gadgil wants to change it into 'relating to his attendance'. The object is obvious. It is to compel the miner to work. If it is not, then there is no necessity for this clause. If it is not so why should certain conditions relating to his attendance as a miner be inserted in this particular measure? How will it read? Let us see. It will read like this if Mr. Gadgil's amendment is accepted: "subject to compliance by that person at all times with such conditions relating to his attendance in his employment"—not only his employment but relating to his attendance in his employment. First of all the tortuous manner of the language is not suitable for legislation—"relating to his attendance in his employment". Personally, if I were administering a law like that, I would have to consult certain very highly specialised grammars to find out what the sequence of this particular sentence is. Apart from the infelicity of the language used, I submit that the whole objective that you have in view is the objective of compelling the miner to work a certain number of days in the mine. My Honourable friend shakes his head. I ask him what else does it mean—"conditions relating to his attendance in his employment"? My Honourable friend knows what attendance means for a miner. It means a certain number of days that he is employed in the coal mine or he chooses to be employed in the coal mine. Therefore your objective is this. If your objective is not this as I find from my Honourable friend since he shakes his head, then you can achieve your objective very easily by inserting in your lease a clause to the effect that if this miner is not a miner in that particular coal mine or in any adjacent coal mine for a continuous period, let us say, of a month he shall not be entitled to the house. If that is the objective my Honourable friend's amendment should be accepted. But if the objective is otherwise as the words themselves suggest, by this method of providing accommodation and the Lord Almighty knows

whether the accomodation is decent or not—by providing accomodation for the miner you are going to catch him by the throat and say "my dear *Santhali* if you don't go into the mine for five days a week you shall not occupy the house". If that is not the objective then I do suggest to my Honourable friend to take this particular clause out and leave power in your own hands without this particular phraseology when you are drafting the lease for the particular accomodation to say definitely in the lease as a condition that if he is not employed for a month, or for a longer period if you like, in a coal mine including the mine in which he was originally working or an adjacent coal mine, he is not entitled to the accomodation and by fifteen days' notice you can get him out. If your objective is to prevent occupation of these houses by people who are not genuine miners then this is the method and not by taking in your hands powers to make him work a certain number of days in the week which he has not done in his life and which he will never do unless you nationalise the coal industry and bring civilization to the coal miners.

Sjt. N. V. Gadgil: My honourable friend Diwan Chaman Lall referred to the amendment which I propose to move to sub-clause (1) of clause 7. The idea is that unless a man is actually working as a miner he is not entitled to the benefit under the scheme. The object is to secure that. The original words in the Bill "relating to his employment" were rather wide and naturally created a good deal of suspicion. Therefore in order to remove that distrust and to make provision that the benefit of the scheme will be available to those who are genuinely working in this particular industry, the amendment notice of which I have given is there and it secures only that result and nothing else. There may be some want of grace so far as grammar is concerned but the meaning is absolutely certain. I do not think it is the intention of my Honourable friend Diwan Chaman Lall that anybody who is not a miner should have the benefit of the scheme. That is not his idea. It is no good waxing eloquent over a fact which does not require any eloquence. The object is that the benefit of the scheme must go to the miner. It is not laid down that he must work for six days in a week or four days. There must be some minimum conditions so as to justify the description that he is a miner and those conditions as regards the actual days of attendance and other matters will be equally embodied in the rules. Therefore I submit that it is not the object to pin them down to the mines and they must work so much and otherwise they are not entitled. The simple object is that no non-miner should take advantage of it.

Mr. President: I am just putting in some observations in the matter, with the object of securing better legislation, if they could be helpful in that direction. The question as raised by Diwan Chaman Lall seems to be as to whether the object is really and properly carried out by the phraseology suggested. There is another amendment of the Honourable Member, Mr. Joshi, for the deletion of the words 'to his employment and' and then the only words that remain will be 'at all times with such conditions relating to his occupation of such accomodation'. Does not that cover that he shall be a miner also?

Diwan Chaman Lall: Perfectly right.

Mr. President: I am just putting it for the consideration of the House.

Mr. S. C. Joshi: The point was also considered by us and in consultation with the legal advisers and we were advised that the mere deletion of the words as stated in the next amendment, of which notice has been given by Mr. N. M. Joshi, will not be quite adequate, because that will be with regard to his occupation only. These words are in the original Bill and if they are deleted it might be urged that any rule framed by the Government under this clause containing a condition relating to attendance for a particular number of days will not be quite in order. What is required is only that he must be a

[Mr. S. C. Joshi.]

genuine miner. Suppose today a person starts working in the mine. He becomes a miner. Is he entitled immediately to a House? My submission is that he should not be entitled to accommodation provided by this clause simply because he started working as a miner today. At the same time it is not intended to coerce the occupier to be a regular miner in the sense that he should attend regularly so many number of days in the week. But he must be a genuine miner and who is a genuine miner is a matter of detail and has got to be provided for in the rules. It is only after very careful consideration that the phraseology as now suggested in the amendment of Mr. Gadgil was proposed. The object in view will be achieved by that amendment, but the omission as suggested by Mr. Joshi will not have that objective.

Mr. President: It is ultimately for the House to accept what form it chooses; but is that expression 'conditions of occupation' not wide enough to give Government any power? "Conditions of occupation" may include conditions about sanitation, about sober habits, about the fact of his being a miner, and then any rules can be made. As to whether a particular rule is *ultra vires* or not will not be governed by the considerations of what the original Bill contained and how it was improved or not improved. Ultimately the words in the sections itself will count.

Diwan Ohaman Lall: I thank you, Mr. President for having brought the discussion to a realistic stage. As you have pointed out, it is perfectly clear that in the conditions of occupation of that particular building or house, my Honourable friend can put down anything that he wants. Whereas if we accept Mr. Gadgil's amendment the objective is entirely different. The objective will be whether he has been attending to his employment for a certain period or not. If we take the other point, condition of employment itself, that again will be something entirely detached from the main objective that my Honourable friend has, and as you have pointed out, my Honourable friend, in framing the rules for the occupation of these buildings, he can put in a condition easily that for a certain limited period a particular occupant of this particular house has been a miner occupied in a particular coal mine. There is nothing to prevent him from doing that. I submit therefore that he should accept the next amendment.

Mr. President: I do not want to interfere on the merits at all. As I felt that the parties may agree on merits, I am trying to bring about an agreement, in as best a form as possible. That is why I am making this suggestion. After all, the relations will be indicated in the conditions. He will be a tenant and will have to accept all the reasonable conditions put in. The Government is given the liberty of settling the terms of occupation. One of the terms of occupation will be that he will be a "working miner". That satisfies the object. Rather than complicate issues, I would suggest that this amendment be withdrawn and Mr. Joshi's amendment No. 16 be accepted. Is the Legal Adviser agreeable?

The Legal adviser seems to be amenable to this. Then I suggest that Mr. Joshi might withdraw his present amendment and move the other one.

Mr. N. M. Joshi: Yes.

The amendment was by leave of the Assembly withdrawn.

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (1) of clause 7 of the Bill, the words 'to his employment and' be omitted."

The matter has been sufficiently discussed and I hope that Government will accept my amendment in the right spirit and will not take advantage of the rules about occupation.

Mr. President: The question is:

"That in sub-clause (1) of clause 7 of the Bill, the words 'to his employment and' be omitted."

The motion was adopted.

Sjt. N. V. Gadgil: Sir, I beg to move:

"That in sub-clause (3) of clause 7 of the Bill, for the word 'fifteen', the word 'thirty' be substituted."

I move this amendment because the grievance was that 15 days' notice was too short a notice.

Mr. President: The question is:

"That in sub-clause (3) of clause 7 of the Bill, for the word 'fifteen', the word 'thirty' be substituted."

The motion was adopted.

Mr. President: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to this Bill.

Mr. N. M. Joshi: Sir, I beg to move:

"That for sub-clause (1) of clause 8 of the Bill, the following be substituted, namely:—
(1) The Central Government shall, by notification in the Official Gazette, constitute a Coal Mines Labour General Welfare Board consisting of equal number of the representatives of the Government, owners of coal mines and of mine workers, to prepare and carry out, subject to the previous approval of the Central Government, schemes financed from the General Welfare Account of the Fund, for objects stated in sub-section (4) of section 5."

Instead of having an Advisory Committee I want a representative Board, which will be authorised to carry out the welfare measures. An Advisory Committee is an advisory committee; it may influence the Government and it may not be able to influence the Government. I would, therefore, like to have a Board authorised to carry out the details of the welfare scheme. The Government will certainly have an overriding power of approving, but the details need not either be approved by the Government or be carried out by the Government. I think a properly constituted Board will be a better machinery for carrying out the welfare measures than the Central Government themselves.

Mr. President: Amendment moved:

"That for sub-clause (1) of clause 8 of the Bill, the following be substituted, namely:

(1) The Central Government shall, by notification in the Official Gazette, constitute a Coal Mines Labour General Welfare Board consisting of equal number of the representatives of the Government, owners of coal mines and of mine workers, to prepare and carry out, subject to the previous approval of the Central Government, schemes financed from the General Welfare Account of the Fund, for objects stated in sub-section (4) of section 5."

Mr. S. O. Joshi: Sir, I cannot accept this amendment. Equal representation on the Advisory Board will be given to labour, employer and Government, and that will be secured by the amendment of which notice has been given by Mr. Gadgil. It is not intended under this scheme to invest a Board with the power of preparing and carrying out the schemes financed from the General welfare account as is intended by the amendment of Mr. N. M. Joshi.

Mr. President: The question is:

"That for sub-clause (1) of clause 8 of the Bill, the following be substituted, namely:

(1) The Central Government shall, by notification in the Official Gazette, constitute a Coal Mines Labour General Welfare Board consisting of equal number of the representatives of the Government, owners of coal mines and of mine workers, to prepare and carry out, subject to the previous approval of the Central Government, schemes financed from the General Welfare Account of the Fund, for objects stated in sub-section (4) of section 5."

The motion was negatived.

Sjt. N. V. Gadgil: Sir, I beg to move:

"That in sub-clause (1) of clause 8 of the Bill, after the words 'on matters on which the Central Government', the words 'or the Housing Board, be inserted."

Mr. President: Amendment moved:

"That in sub-clause (1) of clause 8 of the Bill, after the words 'on matters on which the Central Government', the words 'or the Housing Board, be inserted."

Mr. S. C. Joshi: Sir, I accept this amendment.

Mr. President: The question is:

"That in sub-clause (1) of clause 8 of the Bill, after the words 'on matters on which the Central Government', the words 'or the Housing Board, be inserted."

The motion was adopted.

Sjt. N. V. Gadgil: Sir, I beg to move:

"That in the proviso to sub-clause (2) of clause 8 of the Bill, after the word 'representing', the word 'Government' be inserted."

Mr. President: Amendment moved:

"That in the proviso to sub-clause (2) of clause 8 of the Bill, after the word 'representing', the word 'Government' be inserted."

Mr. S. C. Joshi: Sir, I accept the amendment.

Mr. President: The question is:

"That in the proviso to sub-clause (2) of clause 8 of the Bill, after the word 'representing', the word 'Government' be inserted."

The motion was adopted.

Mr. President: The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 was added to the Bill.

Sjt. N. V. Gadgil: Sir, I beg to move:

"That in sub-clause (1) of clause 10 of the Bill, after the words 'official Gazette', the words 'and subject to the condition of previous publication' be inserted."

Mr. President: Amendment moved:

"That in sub-clause (1) of clause 10 of the Bill, after the words 'official Gazette', the words 'and subject to the condition of previous publication' be inserted."

Mr. S. C. Joshi: Sir, I accept the amendment.

Mr. President: The question is:

"That in sub-clause (1) of clause 10 of the Bill, after the words 'official Gazette', the words 'and subject to the condition of previous publication' be inserted."

The motion was adopted.

Mr. President: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. S. C. Joshi: Sir, I move:

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

Mr. President: Motion moved:

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

Mr. Shavax A. Lal (Government of India: Nominated Official): Sir, I beg to move:

"That in sub-clause (7) of clause 5 of the Bill, for the words, 'that year', the words 'the ensuing financial year' be substituted."

It is a purely consequential amendment on the acceptance of the amendment of Mr. Gadgil.

Mr. President: The question is:

"That in sub-clause (7) of clause 5 of the Bill, for the words, 'that year', the words 'the ensuing financial year' be substituted."

The motion was adopted.

Mr. President: The question is:

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

The motion was adopted.

MINIMUM WAGES BILL

Mr. S. C. Joshi (Government of India: Nominated Official): Sr, I beg to move:

"That the Bill to provide for fixing minimum wages in certain employments, be referred to a Select Committee consisting of Capt. G. T. B. Harvey, Mr. W. M. Martin, Sjt. N. V. Gadgil, Diwan Chaman Lall, Sri N. Narayan Murthi, Sree Satyapriya Banerjee, Pandit Balkrishna Sharma, Sri V. Gangaraju, Mr. N. M. Joshi, Dr. P. G. Solanki, Mr. Ahmed E. H. Jaffer, Mr. Hafiz M. Ghazanfarulla, Syed Ghulam Bhik Nairang, Maulvi Abdul Hamid Shah, Mr. T. A. Ramalingam Chettiar and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. President: Motion moved:

"That the Bill to provide for fixing minimum wages in certain employments, be referred to a Select Committee consisting of Capt. G. T. B. Harvey, Mr. W. M. Martin, Sjt. N. V. Gadgil, Diwan Chaman Lall, Sri N. Narayan Murthi, Sree Satyapriya Banerjee, Pandit Balkrishna Sharma, Sri V. Gangaraju, Mr. N. M. Joshi, Dr. P. G. Solanki, Mr. Ahmed E. H. Jaffer, Mr. Hafiz M. Ghazanfarulla, Syed Ghulam Bhik Nairang, Maulvi Abdul Hamid Shah, Mr. T. A. Ramalingam Chettiar and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I would like to inform Honourable Member that I propose to adopt a slight change in the agenda. The present Motion moved is No. 3 in the List. Then I will take up the next motion. No 4 in the name of the Finance Member for reference of the Bill to amend the Salt Law to a select committee. 4. P. M. Thereafter it is proposed to take up item No. 17, the Select Committee motion in respect of the Bill to amend the Indian Army Act 1911 put down in the name of the Defence Secretary. That will be taken up third after these two items are finished. Thereafter the other business will be taken up.

Mr. Siddiq Ali Khan (Central Provinces and Berar: Muhammadan): I move:

"That the name of Miss Maniben Kara be added to the Select Committee."

Mr. S. C. Joshi: I accept the amendment and the name may be included.

Mr. President: The question is:

"That the name of Miss Maniben Kara be added to the Select Committee."

The motion was adopted.

Mr. N. M. Joshi: I would have liked to discuss the principles of this Bill, but knowing that the House is now pressed for time, I propose to place my views before the Select Committee and when the Bill comes up here again at the next stage, I propose to put my views on the principles of this measure. For the present I hope the Bill will be sent to the Select Committee.

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

Mr. Deputy President: The question is:

"That the Bill to provide for fixing minimum wages in certain employments, be referred to a Select Committee consisting of Capt. G. T. B. Harvev, Mr. W. M. Martin, Sjt. N. V. Gadgil, Diwan Chaman Lall, Sri N. Narayan Murthi, Sree Satyapriya Banerjee, Pandit Balkrishna Sharma, Sri V. Gangaraju, Mr. N. M. Joshi, Dr. P. G. Solanki, Mr. Ahmed E. H. Jaffer, Mr. Hafiz M. Ghazanfarulla, Syed Ghulam Bhik Nairang, Maulvi Abdul Hamid Shah, Sri T. A. Ramalingam Chettiar, Miss Maniben Kara and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be five."

The motion was adopted.

CENTRAL EXCISES AND SALT (AMENDMENT) BILL

The Honourable Mr. Liaquat Ali Khan (Finance Member): Sir, I move:

"That the Bill to amend the law relating to salt, be referred to a Select Committee consisting of Shri Sri Prakasa, Sri R. Venkatasubba Reddier, Sri Jagannathdas, Sri T. V. Satakopachari, Shri Mohan-Lal Saksena, Mr. Sasanka Sekhar Sanval, Mr. Manu Subedar, Mr. C. P. Lawson, Shri Satya Narayan Sinha, Sved Ghulam Bhik Nairang, Mr. Mohamad M. Killedar, Mr. Tamizuddin Khan, Mr. Siddiq Ali Khan, Rai Bahadur Devendra Mohan Bhattacharya, Mr. H. Greenfield and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

Sir, with effect from the budget date this year Indian salt has for the first time in many centuries ceased to be subject to tax. From the time of Mauryan dynasty salt consumed in India has been made under contribution in one form or another, at first by means of a levy upon the producer and later by transit duties also, the whole burden being transmitted ultimately to the consumer. The East India company converted this heritage into a system of monopoly but in 1853, this was replaced by an excise, which was presently made uniform throughout the country; and in that form the tax has continued for nearly a century, the rate of duty varying from time to time according to budgetary needs. It has been decided to do away with this impost, not so much by way of financial relief to the individual—for the *per capita* incidence was slight—nor because the exchequer can readily spare the revenue which it yielded, but rather because it had become a psychological burden and because it was an ill constructed tax in that it made no distinction between rich and poor.

Accordingly clause 2 of the Finance Bill provides that with effect from the 1st April no duty shall be levied on salt manufactured in, or imported into, British India; but this will have effect only for one year and it is necessary now to take further legislative action in order to fulfill our intention of abolishing the excise altogether.

Moreover, as I stated in my Budget speech we have during our investigation of this subject, been impressed by the necessity for exercising comprehensive control over the salt industry in the interests of the consumer and of the country at large, that is to say, in order to ensure that there are at all times within the country sufficient supplies of this prime necessity of life to keep our people and our cattle in good health and to supply our industrial needs.

that salt is made available in adequate quantity and sufficient varieties for the several purposes for which it is required and that production and distribution are so arranged as to keep the markets always amply supplied both in normal times and in times of stress and crisis and thereby to protect the consumer against the shortages and consequent high prices to which he has been periodically subjected in the past.

The Bill which the House is now asked to consider seeks so to amend the salt provisions of the Central Excises and Salt Act, 1944, as to achieve both these aims—that is to say, it is designed, firstly, to remove salt from the category of excisable goods, thereby freeing it altogether from liability to tax, and to amend the Customs and Central Excise Tariff schedules accordingly and, secondly, to bring the salt industry under competent and enlightened control.

Let us glance for a moment at the principal internal sources on which when external supplies are interrupted, the country has entirely to depend. In the Salt Range in the Punjab India possesses a rich store of natural salt which can maintain its present rate of output for very many years to come; but from its situation, in the extreme north of India, it cannot, since the cost of the salt mounts substantially the further it is carried, supply more than a limited area at a price within the consumer's capacity to pay. At the great Salt Lake at Sambhar and certain subsidiary sources in Rajputana which are leased from the States of Jodhpur and Jaipur, and again at Kharaghoda on the Runn of Cutch there are government-operated salt works which produce a considerable total volume of salt, but again their field of distribution is limited by the cost of transport. On the north western and south eastern littorals of India, salt is made from sea brine in a large number of works, great and small, which are scattered along the coast and which generally speaking supply their immediate hinterland, and these together constitute by far the greatest of India's sources of salt supply. In the eastern provinces, however, the climatic conditions are inimical to the manufacture of salt, which has had consequently to be imported from western India or from abroad. All these sources taken together do not yet provide sufficient salt even for India's present needs. During the war years under the stimulus of high prices resulting from the interruption of sea-borne supplies, internal production has been substantially increased and it is now only a few hundred thousand tons less than the present total consumption. The present consumption, however, is barely above the minimum. The *per capita* consumption varies from 9 to 20 lbs. per annum and the average is 12.6 lbs. per annum, which is very low compared with the world average of approximately 30 lbs. Some countries consume much more than 30 lbs per head and India should surely aim at a figure much nearer to and perhaps higher than the world average. At any rate it may be taken as reasonably certain that the inhabitants of remote country-places in India would consume more salt if they could get it. The amount now given to our cattle is negligible and yet cattle need salt as much as human beings; and if they were supplied with adequate quantities their health would undoubtedly benefit. At the Wisconsin Experiment Station a number of years ago as a test lot of cows that were well fed otherwise were given no salt for the period of one year. After two or three weeks they showed abnormal appetite for salt but their health was not usually affected for a much longer time. Finally a complete breakdown occurred marked by loss of appetite, lusterless eyes, a rough coat and a very rapid decline in both live-weight and yield of milk. When salt was supplied their recovery was rapid. This experiment shows conclusively the necessity of feeding salt to cattle in addition to an otherwise well-balanced diet. Just as in the case of humans cows need salt to provide sodium for the body and chlorine for the digestive system. It is absolutely essential for dairy cattle to be given sufficient salt. A cow will eat from one-half to two ounces daily depending upon her individuality, production and the other feeds she receives. The rule for salt feeding is to give them all that they will eat. It generally requires about

[Mr. Liaquat Ali Khan.]

three-fourths of an ounce daily for each one thousand lbs. of live weight to maintain the body; to this amount should be added about half an ounce for each 20 lbs of milk. Salt consumption varies quite closely with the amount of milk produced. *Dairymen*, specially those who are attempting to get higher records from their cows believe that greater amounts of salt induce greater food and water consumption, and this leads to higher milk production. Experts in the field of dairy husbandry seem agreed that the best method is to supply a salt block for the cattle, making it available at all times and then to add additional salt to the feeds. That is the only way we can be sure that the cattle are consuming enough salt to keep them healthy and to maintain the milk production at the maximum. Moreover, with growing industrialisation India will need a greater quantity of salt for industrial purposes, and the Chemical Industries Panel which was recently appointed by the Industries and Supplies Department considered that a total of half a million tons will probably be required for this purpose within a few years. If all these great and growing needs are to be adequately met there must be an organised drive to increase production and to ensure that adequate supplies are not only built up but maintained. It is broadly estimated that allowing for a natural increase in population and for expansion of industrial development at the present rate, and including a comparatively modest quantity for cattle consumption, India's total consumption of salt is likely to be in the neighbourhood of 3½ million tons in 20 years' time. Our average production before the second world war was only 1.8 million tons; since then it has expanded to 2.2 million tons; and it is estimated that if the industry is rationalised on the lines now proposed and a programme of development is drawn up and vigorously pursued the total production can be raised to 3.2 million tons within ten years. This, however, will require in addition, a careful planning and skilled direction, a prodigious effort and the fullest co-operation on the part of all concerned. Even assuming, therefore, that an all out production drive is now instituted it is doubtful if India could be made fully self supporting in salt for a number of years to come if consumption is to be raised to what it should be. Self-sufficiency should, however, be the goal and every effort should be made to attain it quickly so that our people and our cattle may not again be made to go short of salt by causes arising outside the frontiers of our country. Till this goal is reached imports of foreign salt must continue but they should be carefully regulated to ensure that only the quantity and the quality required are brought in. The matter of quality is equally important. Much of India's present salt is of low grade and a sample tested by the Tariff Board in 1930 was found to contain only 81 per cent. of sodium chloride. That was exceptional, but indeed the average sodium chloride content is in general very low and except for Government salt and for the produce of better administered factories in western India is little more than 90 per cent. If manufacture is everywhere controlled by an expert and authoritative body a substantial improvement is readily possible, and it is hardly necessary to say that in the interest of the health of India such an improvement is desirable. Moreover, much of the salt required for industrial purposes will have to be of the highest grade. Again special varieties of grades are necessary for the different purposes for which salt is used and a quantity of iodised salt should be provided for sale in hilly areas where goitre is prevalent. Given proper direction of manufacture and the employment, where necessary, of modern appliances, there is no reason why all the qualities and varieties of salt which India requires should not be produced within the country.

It is probably in the field of distribution, however, that reforms of the kind which can only come from over-all direction is most urgently required. I do not think the House will wish me to elaborate this point. In this country of great distances it is obvious that only by a high degree of rationalisation, can a full and steady supply of all necessary grades of salt to all areas be fully guaranteed. If the consumer everywhere in India is at all times to receive salt of

the right quality and variety, in adequate quantity, at minimum price and in first-rate condition, every modern device for bulk handling and loading must be called into service and storage depots must be set up at selected centres.

From the brief review which I have just given the following broad conclusions can be drawn:

Firstly, that the quantity of salt now produced in India is inadequate to her real needs;

Secondly, that the quality of much of this salt is notably deficient;

Thirdly, that so long as distribution remains uncoordinated the supply to up-country markets is constantly liable to interruption; and

Fourthly, that consumption throughout the country, particularly by the animal population, is very low.

These are grave disadvantages in respect of a commodity which is vital to the health of the community and to the growth of important industries, and a remedy must be sought and obtained. Unless this is done the gap between production and requirements will steadily widen, and India will become increasingly dependent on foreign supplies.

Experience has amply demonstrated that if the production and distribution of salt in this country are left solely or even largely to private enterprise India's salt resources cannot be fully developed nor her consumers fully satisfied. For the full and proper satisfaction of India's salt requirements it is essential to expand the output of her several sources to the utmost and for this purpose to furnish sufficient resources in money, plant and equipment for their full development; to make a comprehensive survey of the country's salt consumption, actual and potential; to rationalise main line transport by rail and by sea; to devise and regulate a coordinated system of supply to up-country markets; to provide regional stocks sufficient to ensure a steady flow of salt, in sufficient quantity and variety, to all parts of the country in normal times and to guard against periodical interruptions of supply.

India's salt consumption cannot be developed to its full potential if distribution is left to individual traders, whose natural tendency is to regard the consumer merely as a source of income; it can only be so developed if distribution is governed by a carefully architected and integrated plan designed to make salt freely available wherever it is required, whether for human consumption or for animals, or for an actual or prospective industry, and to supply it in such quantities and varieties and at such a price that all, including (and most of all) the poorest, can amply satisfy their wants.

Finally, the production and supply of a commodity running into millions of tons is obviously capable of yielding very large profits, which if the industry be left uncontrolled, will be wholly absorbed by a comparatively small group of people and will be drawn indiscriminately from the community, the burden tending to be laid more heavily on the poorer and more remote consumers, whereas if the industry be controlled by a responsible, expert body, the prices can be fairly adjusted between the various classes of the community and the net profits can be made over to the Government for the service of the country as a whole.

We have accordingly prepared, and have laid before the House, a Bill which provides for the setting up of a special body to be entrusted with entire dominion over salt produced and consumed in India, subject to an important exception to which I shall presently refer. This body is to be called the Indian Salt Board and it will be expressly charged with the duties, firstly, of securing the efficient development of the salt industry and, secondly, of making available supplies of salt of such qualities and such quantities and at such prices as may be best calculated to serve the public need in all respects. For this purpose it will itself undertake, or will regulate by licence, the production of salt by whatever means, whether by mining, quarrying or manufacture; and, subject to

[Mr. Liaquat Ali Khan.]

the exception already mentioned, it will be vested with exclusive powers in respect of all forms of production, storage, transport and distribution and of the importation of salt so long as this is necessary. In short, it will be authorised to control the salt industry in all respects and its task will be to see that all consumers are adequately supplied with the particular qualities and varieties of salt which they need.

The exception to which I have just referred is the right of private manufacture hitherto secured by what has come to be known as the Delhi Pact. This will be safeguarded by a special provision of the Bill to the effect that, subject to such limitations as may be prescribed, an individual may scrape, collect or manufacture salt for the needs of himself and his family and may sell such salt in his neighbourhood.

With this exception, the Salt Board will have full authority over salt manufacture and trade but it is not intended that those now engaged in the production and distribution of salt should be shut out. On the contrary, we regard the combined knowledge of these persons as a valuable national asset and we recognise that all available resources of knowledge, ability, energy and enterprise will need to be mobilised if the great task which is to be entrusted to the Salt Board is to be achieved. The Board will accordingly administer all Government sources and will extend these and set up such new production units as may be necessary; but the present private factories will not only be allowed, but will be encouraged, to continue; and as far as possible the general pattern of the present supply system will be followed. The Board will, however, license and regulate all private manufacture so as to ensure that a proper standard of quality is maintained and that a sufficient quantity of the necessary varieties of salt is produced to serve the needs of the areas to be supplied from these sources; and in order that the consumer may receive the full benefits of the new developments without attenuation or abatement it will be empowered to undertake, so far as may be necessary, a measure of regulation of wholesale and retail sale.

The provisions of the Bill governing the financial operations of the Board are similar to those to be applied to Electricity Boards. The Central Government will make loans from time to time as may be necessary; the Board will keep accounts in a prescribed form and these will be annually audited; it will open and maintain a reserve fund; and its surplus profits will be paid to the Central Government.

The Board will be empowered to appoint its own staff but the field work will, as far as possible, be carried out by the staff of the Central Excise Department, which now possesses a vast organisation extending throughout the country. The reasons for entrusting this work to this Department are several. In the first place, for a country-wide task of this kind it is obviously sound economy to employ the part-time services of an existing organisation rather than to create a special organisation for the purpose; and the Central Excise Department is the only agency belonging to the Government of India to which the work could suitably be entrusted. Secondly, the existing organisation for the administration of Government salt sources and for the control of licensed salt works is already part and parcel of this Department. Finally due regard must be had to the possibility that, as with other State enterprises of a similar kind, the Salt Board may, from time to time in the future, be required to raise revenue for the Government.

A special feature of the Bill is a provision for setting up an advisory committee of consumers. The primary purpose of the scheme being to produce better salt in adequate quantity and variety, it is essential that the requirements of all classes of consumers should be kept continually in mind and since these are likely to vary from one part of India to another we feel that provision ought to be made for the setting up, if necessary, of an advisory body to keep the Salt Board apprised of the needs of both industrial and domestic consumers and to ensure that they are consistently and fully satisfied.

The Board will be armed with necessary authority to secure compliance with its directions and with the standards laid down from time to time but it is intended that as far as possible the desired improvements will be brought about by healthy competition, by advice and injunction and by example; and I would repeat that the avowed objects of the new organisation will be to secure the efficient development of the salt industry and in all matters relating to salt to serve the public needs in all respects.

To sum up, Sir, the project embodied in the Bill which I now have the Honour to commend to the consideration of the House is, in fact, if not in name, a measure of nationalisation, but nationalisation with a difference; laying full emphasis on national interests yet leaving plenty of room for existing industry and trade; providing for initiative and new development by the State yet not excluding private enterprise; with the State guiding and controlling private manufacturers, not cramping their endeavours but harassing their activities in the interests of the consumer, and linking them with itself in service to the public. In my Budget speech I told the House that we intended that Government's interests in the salt industry should hereafter be "entirely positive and constructive and should be directed towards developing India's salt resources to their full potential, improving the quality of the salt and making sufficient grades to provide for all classes of consumer, encouraging increased consumption by individuals and by cattle, providing adequate supplies for industrial uses, keeping prices at a minimum and ultimately making India fully self-supporting in this important commodity". Given general co-operation and continuous goodwill on the part of all concerned, we are convinced that this policy can be fulfilled and that the new organisation which we have designed should be able so to reorganise India's salt industry as to enable the country to be positively assured of ample supplies of first-class salt of every grade required for industry, for agriculture and for domestic consumption and perhaps in due course to provide an exportable surplus. Sir, I move.

Mr. Deputy President: Motion moved:

"That the Bill to amend the law relating to salt, be referred to a Select Committee consisting of Shri Sri Prakasa, Sri R. Venkatasubba Reddiar, Sri Jagannathdas, Sri T. V. Satakopachari, Shri Mohan Lal Saksena, Mr. Sasanka Sekhar Sanyal, Mr. Manu Subedar, Mr. C. P. Lawson, Shri Satya Narayan Singha, Syed Ghulam Bhik Nairang, Mr. Mohammad M. Killedar, Mr. Tamizuddin Khan, Mr. Siddiq Ali Khan, Rai Bahadur Devendra Mohan Bhattacharya, Mr. H. Greenfield and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Could the Honourable Member tell us when he expects the Select Committee to meet and when he thinks he will be able to bring this measure before the Assembly?

The Honourable Mr. Liaquat Ali Khan: It is my desire and intention to bring this measure forward after it has been considered by the Select Committee, at the next session of the Assembly. The Select Committee will meet before the next session of the Assembly.

Shri Sri Prakasa: As I see my name at the top of the list, I am very much interested. I asked, so that I may fix up my other engagements!

The Honourable Mr. Liaquat Ali Khan: It is not my intention to keep him any longer in Delhi at present.

Mr. Deputy President: The question is:

"That the Bill to amend the law relating to salt, be referred to a Select Committee consisting of Shri Sri Prakasa, Sri R. Venkatasubba Reddiar, Sri Jagannathdas, Sri T. V. Satakopachari, Shri Mohan Lal Saksena, Mr. Sasanka Sekhar Sanyal, Mr. Manu Subedar, Mr. C. P. Lawson, Shri Satya Narayan Singha, Syed Ghulam Bhik Nairang, Mr. Mohammad M. Killedar, Mr. Tamizuddin Khan, Mr. Siddiq Ali Khan, Rai Bahadur Devendra Mohan Bhattacharya, Mr. H. Greenfield and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

The motion was adopted.

INDIAN ARMY AND THE INDIAN AIR FORCE (AMENDMENT) BILL

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

"That the Bill further to amend the Indian Army Act, 1911 and the Indian Air Force Act, 1932, for certain purposes and to make certain consequential amendments to the Administrator General's Act, 1913, be referred to a Select Committee consisting of Mr. Sasanka Sekhar Sanyal, Mr. Frank R. Anthony, Mr. Siddiq Ali Khan, Kwaja Nazimuddin, Mr. C. P. Lawson, Sri Jagannathdas, Pandit Sri Krishna Dutt Paliwal, Mr. K. C. Neogy, Colonel Kumar Shri Himmatsinhji, Sirdar Jogendra Singh, Mr. Shavax A. Lal and the Mover, with instructions to report on the opening day of the next session, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The main objects of the Bill are two:

(1) to ensure the speedy collection and disposal of the assets of estates of Indian Commissioned Officers of the Indian Army and officers and Warrant Officers of the Royal Indian Air Force who die, desert or become insane;

(2) to obviate as far as possible the necessity of widows and next-of-kin of these officers having to apply to more than one civil court to obtain a grant of "representation" in order to enable them to realise assets of the estates of deceased officers which are widely distributed owing to the "nomadic" existence of officers of the Armed Forces.

The existing provisions on the subject are contained in sections 114 and 115 of the Indian Army Act, 1911 and sections 126 and 127 of the Indian Air Force Act, 1932. In 1911, when the Indian Army Act was passed, there were no Indian Commissioned Officers in the Indian Army and the provisions were, therefore, designed primarily for the disposal of estates of Indian Other Ranks, which were very small. Under the existing provisions, the Commanding Officer of the corps, detachment or department to which the deceased person or deserter belonged, is the authority to secure all the moveable property of the latter in camp or quarters, to pay the regimental and other debts in camp or quarters of the deceased and to dispose of the balance. The lack of a suitable method for dealing with estates of officers was felt during the last war. An amendment was accordingly made to the Indian Army Act and the Indian Air Force Act to meet war-time requirements. Under these amendments the responsibility of collecting the assets of a deceased or deserting officer is imposed upon a Standing Committee of Adjustment which is at present located at Jhansi. The amendment, however, only applies to Indian Commissioned Officers on active service. In order that there should be no difficulty in the collection and disposal of estates of Indian Commissioned Officers since the termination of the emergency, it has been necessary to retain the Active Service Ordinance on the Statute Book, only for this purpose. The amendment only applies to officers who are on active service, and therefore, would not apply to all Indian officers when the Active Service Ordinance is repealed, and true peace-time conditions exist.

The present Bill is based on practical experience gained since the last amendment. With the growing number of Indian Commissioned Officers and, owing to the gradual nationalisation of the Officer Ranks, these officers are rising to the more senior officers' posts; it is considered desirable that the responsibility for administration and disposal of the moveable property of these officers should be entrusted to a Committee of Adjustment of three brother officers in place of the Commanding Officer. The proposed section 116B authorises a Committee of Adjustment and lays down the procedure to be adopted by them and their powers and responsibilities. The Committee of Adjustment will be appointed by the Commanding Officer and will report to Government in detail at the termination of their administration of the estate.

Considerable difficulty is being experienced by widows and next-of-kin of Indian Commissioned Officers and Air Force Officers and Warrant Officers under the present system, in the realisation of assets of estates of the deceased officers and numerous representations have been received by Government from such widows and next-of-kin for assistance in the realisation of such assets. It is in response to these representations that the Bill has been introduced. Provision is made in the proposed section 116B whereby a succession certificate taken out in any Court by the representative of the deceased will be valid for realisation of the surplus of the estate of the deceased officer held by Government. Under the present procedure, widows or next-of-kin may have to apply for succession certificate in two or three different provinces in order to realise assets located in those provinces. Under the new procedure, a Committee of Adjustment will be able to realise these assets at the request of the widows, next-of-kin, etc., and only one certificate will be necessary and this will save expenditure on the part of widows, next of kin, etc.

A provision is made for handing over to the Administrator General difficult and complicated cases for settlement, such as in cases where two or more claimants appear to have equal claims and cases where the estate appears to be insolvent and no gain but only trouble would accrue to next of kin, etc., were they to administer the estate themselves. It is also proposed to restrict the Administrator General's fee to 3 per cent. of the gross value of the surplus handed over to him by Government. Consequential amendments are accordingly proposed to the Administrator General's Act.

The Bill is based on the Regimental Debts Act, 1893, which is an Act of the British Parliament, which applies to British personnel of the British and Indian Armies and to King's Commissioned Indian Officers of the Indian Army. The procedure under this Act has been followed in the United Kingdom for more than 50 years and has been found convenient and practicable.

I should make it clear that the proposed system of the collection and disposal of estates by a Committee of Adjustment is not mandatory but permissive as it is open to widows, next-of-kin, etc., of the deceased to take over and administer the estate of the deceased officer themselves should they so desire, and that the Bill provides for such administration by Committees of Adjustment only at the request of the widow or next-of-kin. If the widow or next-of-kin decide to administer the estate themselves, the Committee of Adjustment will not interfere.

The Bill, if passed, will save considerable harassment to widows and next-of-kin during their period of bereavement, as the Committee of Adjustment will if so desired, complete all action for the collection of the assets of the estates. The Bill is not a controversial one. It was published about six months ago, but no comments have been received from any quarters. In order, however, that the provisions made in the Bill may be carefully scrutinised by the representatives of the people, I have made the motion to refer the Bill to a Select Committee instead of asking the House to take it into consideration straightaway.

Mr. Deputy President: The question is:

"That the Bill further to amend the Indian Army Act, 1911 and the Indian Air Force Act, 1932, for certain purposes and to make certain consequential amendments to the Administrator General's Act, 1913, be referred to a Select Committee consisting of Mr. Sasanka Sekhar Sanyal, Mr. Frank R. Anthony, Mr. Siddiq Ali Khan, Kwaja Nazimuddin, Mr. C. P. Lawson, Sri Jagannathdas, Pandit Sri Krishna Dutt Paliwal, Mr. K. C. Neogy, Colonel Kumar Shri Himmatsinhji, Sirdar Jogendra Singh, Mr. Shavax A. Lal and the Mover, with instructions to report on the opening day of the next session, 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.

STATEMENT OF BUSINESS

The Honourable Pandit Jawaharlal Nehru (Leader of the House): With your permission, Sir, I desire to make a brief reference to two Bills that stand in my name. They are not really controversial measures and there is also a certain element of urgency about them. Still I should not like to place them before the House at the fag end of the session. Therefore with your permission, Sir, I propose not to take them up today but shall have them brought up early in the next session.

This also applies to a somewhat similar measure standing in the name of the Honourable the Home Member relating to the International Court of Justice.

NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL

The Honourable Mr. Liaquat Ali Khan (Finance Member): Sir, I beg to move:

"That the Bill further to amend the Negotiable Instruments Act, 1881, be taken into consideration."

Sir, this is a simple, straightforward and short Bill and I shall consequently be very brief myself. The practice has grown of crossing bank drafts but there is no provision at present in the Negotiable Instruments Act in regard to crossed bank drafts. In a recent case the Bombay High Court have held that the protection afforded to bankers under Section 131 of the Act, absolving them from liability to the true owner in respect of payments received for a customer in good faith and without negligence, for cheques crossed generally or specially to them, does not extend to the collection of bank drafts drawn by one office of a bank on another office of the same bank. The object of the Bill is, firstly, to remove this anomaly by placing bank drafts in this respect on the same footing as cheques and, secondly, to regularise the practice of crossing bank drafts by making the provisions in the law relating to the crossing of cheques applicable to such drafts. It may be mentioned that similar amending legislation to the Bill of Exchange Act was passed in England in 1932 in consequence of a decision of the House of Lords in England which took in relation to the Bills of Exchange Act of the United Kingdom as it then stood the same view which the Bombay High Court have now affirmed in relation to the Negotiable Instruments Act. This is a non-controversial measure and I hope the House will agree to the passing of this Bill.

Mr. Deputy President: The question is:

"That the Bill further to amend the Negotiable Instruments Act, 1881, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. Liaquat Ali Khan: Sir, I move:

"That the Bill be passed."

Mr. Deputy President: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN BOILERS (AMENDMENT) BILL

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

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

This Bill was introduced about five months ago and is a purely safety measure, intended to reduce the risk of accidents. I may also claim that it is a non-controversial measure, judging from the fact that, although it was introduced five months ago, there has been no single adverse opinion on it and no amendment of any kind has been tabled in this house.

The object of the Bill is to ensure the separate registration of certain portions of boilers which are called economisers. These economisers are complicated mechanisms which are attached to a battery of boilers and sometimes transferred from one set of boilers to another set of boilers. The treatment of economisers as steam pipes under the present Act is not very satisfactory and the Boilers Board which contains all the Chief Inspectors of Boilers throughout India unanimously recommended that economisers should be separately registered and inspected from time to time to reduce or minimise the risks of accident. This Bill has therefore been drafted with a view to make economisers liable to inspection every two years. Provision has been made for 90 days notice to people concerned before their economisers are inspected. It is felt that this inspection of economisers will be wholly in the interests of the manufacturers and factory owners, as the additional protection will be well worth having at all times. In addition the increased thermal efficiency of economisers by their being kept clean and in good condition will more than pay factory owners for all the trouble that may be involved. Sir, as we are racing against time, with these few words, I commend my motion for acceptance.

Mr. Deputy President: The question is:

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

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Mr. Shavax A. Lal (Government of India: Nominated Official): Sir, I move: "That in clause 1 of the Bill, for the figures '1946' the figures '1947' be substituted."

Mr. Deputy President: The question is:

"That in clause 1 of the Bill, for the figures '1946' the figures '1947' be substituted."

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.

The Title and the Preamble were added to the Bill.

Mr. B. K. Gokhale: Sir, I move:

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

Mr. Deputy President: The question is:

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

The motion was adopted.

PANTH PIPLODA LAWS (AMENDMENT) BILL

Sir Pheroze Kharegat (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill further to amend the Panth-Piploda Laws Regulation, 1929, be taken into consideration."

Sir, the Bill was introduced some months ago and it is a very simple Bill with only clause. Its object is to extend the Co-operative Societies Act to Panth-Piploda. Panth-Piploda is a small area of about ten villages in Central India and it is administered by the Centre. Under the present Act the laws applicable in British India can be made applicable to Panth-Piploda only if there is a special provision to that effect in the schedule appended to the original Act. The proposal is to enable the Co-operative Societies Act to be extended to this area so that proper arrangements may be made for distribution of seed and manure to the villagers in those areas through the co-operative societies. -

Mr. Deputy President: Motion moved:

"That the Bill further to amend the Panth-Piploda Laws Regulation, 1929, be taken into consideration."

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Are there any courts of law in the ten villages mentioned by the Honourable Member? Are there any buildings for them? Where are they located?

Sir Pheroze Kharegat: I have no personal information but I believe there are courts of law at least in the neighbouring area to which persons from these villages can apply.

Shri Sri Prakasa: Under what High Court is this Panth-Piploda?

Sir Pheroze Kharegat: I am afraid, Sir, I have no information.

Mr. Yusuf Abdoola Haroon (Sind: Muhammadan Rural): What is the total population of Panth-Piploda?

Sir Pheroze Kharegat: The total population is about 4,000 persons.

Mr. Deputy President: The question is:

"That the Bill further to amend the Panth-Piploda Laws Regulation, 1929, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Shavax A. Lal (Government of India: Nominated Official): I beg to move:

"That in clause 1 of the Bill, for the figures '1946', the figures '1947' be substituted."

Mr. Deputy President: The question is:

"That in clause 1 of the Bill, for the figures '1946', the figures '1947' be substituted."

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.

The Title and the Preamble were added to the Bill.

Sir Pheroze Kharegat: I move:

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

Mr. Deputy President: Motion moved:

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

Shri Sri Prakasa: Sir, what is the use of saying that such and such a law should be applicable to the place when the Honourable Member does not know what courts will administer the laws. If anything goes wrong what High Court will be the final appellate authority. When the Honourable Member knows nothing about this place at all I see no value in this legislation. If he is legislating for the moon I have no objection.

The Honourable Mr. Liaquat Ali Khan (Finance Member): May I say something? I am indeed very glad to note the interest that Honourable Members have shown in this territory and I would make an offer here to my honourable friend Mr. Sri Prakasa that if he would like to go and visit the place, Government will be glad to provide facilities for him.

Shri Sri Prakasa: I have been longing to look at this place.

Mr. Deputy President: The question is:

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

The motion was adopted.

Shri Sri Prakasa: It should be clearly understood that there is a statutory obligation on the Government to send me on a visit to Panth-Piploda.

INDIAN MEDICAL COUNCIL (AMENDMENT) BILL

Mr. S. H. Y. Oulsnam (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill further to amend the Indian Medical Council Act, 1933, be taken into consideration."

This Bill is purely a formal amendment of the Indian Medical Council Act. Under the Act, as it stands at present, at least one person has to be elected to the Medical Council by the members of the Senate of each University from among the members of the Medical Faculty. In the Nagpur University the body which corresponds to the Senate is known as the Court. Hitherto the question of election of a member from the Nagpur University had not arisen because there was no Medical College and no Medical Faculty. Now the Nagpur University is establishing a Medical College and Medical Faculty and it is therefore necessary to amend the Medical Council Act.

The opportunity has been taken to provide for other Universities which may be similarly placed in future. Sir, I move.

Mr. Deputy President: Motion moved:

"That the Bill further to amend the Indian Medical Council Act, 1933, be taken into consideration."

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): This refers to the Lucknow University and not to the Nagpur University.

Mr. S. H. Y. Oulsnam: The Act at present says that one member from each British Indian University should be elected by the members of the Senate of the University or in the case of the University of Lucknow the Court. The Nagpur University also has a Court. That is the reason for this legislation.

Mr. Deputy President: The question is:

"That the Bill further to amend the Indian Medical Council Act, 1933, be taken into consideration."

The motion was adopted.

Shri Sri Prakasa: I should like to get the matter clear. If you substitute the words "in case the University has no Senate, by the members of the Court in the case of the University of Lucknow," then the University of Lucknow gets disenfranchised.

Mr. Shavax A. Lal (Government of India: Nominated Official): The statement of objects and reasons makes the position very clear.

Mr. S. H. Y. Oulsnam: The University of Lucknow has no Senate but a Court.

Mr. Deputy President: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Shavax A. Lal: Sir, I beg to move:

"That in clause 1 of the Bill, for the figures '1946', the figures '1947' be substituted."

Mr. Deputy President: The question is:

"That in clause 1 of the Bill, for the figures '1946', the figures '1947' be substituted."

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.

The Title and the Preamble were added to the Bill.

Mr. S. H. Y. Oulsnam: I move:

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

Mr. Deputy President: Motion moved:

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

Sri M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): But for the fact that we have an absolutely free Government in this country, we would not have allowed so many Bills to go through in such a short time without obstructing at every stage.

5 P. M. Now, that we are co-operating with our own Government, there is no need to do this. I wish all sections of the House, both parties and the Government will come much nearer and see that before we meet again there is an absolutely free Government.

Shri Sri Prakasa: And no need of a legislature.

Pandit Govind Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I cannot felicitate the House in the way that my friend Mr. Ananthasayanam Ayyangar has done. I should like to record my view that it is not very desirable that we should rush Bills in the manner in which we have been doing today. I do not say anything against the merits of the Bills before us, but I do think that this House is not properly fulfilling its function when we rush through Bills on the last day of a long session, when every member is anxious to finish, thus taking advantage of the tiredness of the House. In the anxiety to finish things, Bills are rushed through in minutes and sometimes even in less than minutes and they are becoming part of the statutes of the land. I think this is not very healthy. I will say nothing more. I will be failing in my duty as a member of this House, if I do not point this out. If any of the Bills is so urgent that we cannot do without it, then there is the method of promulgating an Ordinance. The Government can certainly promulgate non-controversial Ordinances and wait till the Bill can be put through the House decently. I hope, Sir, that our Government will not feel so complacent and become entirely satisfied that everything which is being done from its side must necessarily be correct. After all the legislatures in every country have a function to perform. I would like our Government to take this point of view into consideration and if possible try to avoid a repetition of the *tamasha* which we have seen in this House today.

Mr. Deputy President: Order, order. I hope the Honourable Member will withdraw the word 'tamasha' because this is not a *tamasha*.

Pandit Govind Malaviya: If that is your wish, Sir, I will withdraw it. I hope my meaning is quite clear.

Mr. Deputy President: There was no rush. No Honourable Member was prohibited from making any speeches he liked. Full facility was given and every Bill was before the House. The only two Bills on which it was considered there may be some discussion—as regards them the Honourable Pandit Jawaharlal Nehru suggested that he could not move them this session. All the Bills that have gone through are one clause Bills really and there is nothing controversial in them. If any Honourable Member had started speaking on any Bill, I can assure the House that I would have given him full liberty and full latitude and whether the Government wanted it or not, I would have given full latitude to the House. But the House and the members wanted to co-operate with the Government and they did it. Out of their good will and free will, they willingly allowed these Bills to go through. Therefore there should be no complaint.

Shri Sri Prakasa: When Universities can function without Senates, which is a peculiar thing, then Bills can also be passed without discussion.

Mr. Deputy President: The question is:

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

The motion was adopted.

Mr. Deputy President: Now, I wish good luck to all the members of the House. The House now stands adjourned *sine die*.

The Assembly then adjourned *sine die*.