

Tuesday, 19th November, 1946

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

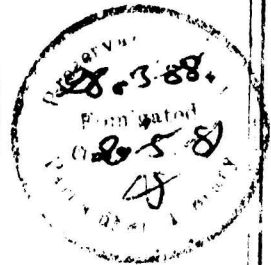
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TWENTIETH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1946



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COUNCIL OF STATE
Tuesday, 19th November, 1946.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

LAWLESSNESS ON CERTAIN SECTIONS OF THE B. A. R.

91. THE HONOURABLE MR. SURPUT SINGH : Will Government state :

(a) Whether it is a fact that recently there was absolute lawlessness on some railway lines in East Bengal (near Dacca and Mymensingh) lasting over a couple of months stopping night movements of trains, both passenger and goods, and causing loss of life, limbs and property ?

(b) What enquiries the Railway Board have undertaken into the matter in order to ascertain the cause and extent of the damage to life and property done in consequence ? What is the result of such enquiries ?

(c) What steps the railway concerned have taken to stop such depredations in the future ?

(d) Whether they have also tried to investigate the whole matter through their secret service organization in order to find out the organization or organizations which are responsible for this state of things.

THE HONOURABLE MR. D. D. WARREN : (a) Conditions of lawlessness, resulting in loss of life and damage to property and the temporary stoppage of night running of trains, have prevailed on these sections of the Bengal Assam Railway from about the middle of August last.

(b) The Government of India have directed the Bengal Assam Railway Administration to furnish full details of the incidents leading to damage to life and property and these will be laid on the table of the House in due course.

(c) The Railway Administration sought the assistance of the Provincial Government, and armed guards have been made available since 26th September, 1946. These armed guards accompany trains and, where required, man patrol trains. Armed Government Railway Police at Dacca station patrol railway premises at night, and the level crossing is guarded by the town police. In addition, 300 men of the Indian Pioneer Force have been detailed for the protection of railway premises in the Dacca area including Narayanganj.

(d) Railways have no secret service organisation. Investigation of such matters is a Provincial Government responsibility.

SUPPLY OF DRINKING WATER ON THE B. N. R.

92. THE HONOURABLE MR. SURPUT SINGH : Will Government state :

(a) (i) Whether the B. N. R. system has instructions to supply drinking water to the travelling public on their lines during hot days in summer ?

(ii) If so, whether they did supply such water to the travelling public between Gomoh and Adra and also between Adra and Kharagpur on the afternoon of 17th May last and the night of 18th May last ;

(iii) If they did, at what stations with the names of the persons who supplied it ?

(iv) If not, why not ?

(b) Whether on the Adra-Kharagpur section lights were burning at the road side stations at night time besides the one incandescent lamp at Midnapur on the night of 18th May last ; if not, why not, as it was a dark night ?

(c) Whether it is a fact that a very large number of 3rd class passengers were booked at Bishnupur for journey to Calcutta and other places without ascertaining beforehand whether accommodation in the Purulia Express was available on that night ?

(d) Whether in consequence that great crowd of passengers was literally crammed into all the compartments—3rd and inter—some being allowed to hang on the footboards outside ;

(e) Whether considerable ticketless travelling as well as higher class travelling are suffered on the various sections on the B. N. R.

THE HONOURABLE MR. D. D. WARREN : (a) (i) Yes. The Bengal Nagpur Railway have issued instructions for the supply of drinking water to the travelling public throughout the year including hot days in summer.

(a) (ii) to (d) Enquiries are being made and information will be laid on the table of the House in due course.

(e) Ticketless travel and travel in compartments of higher class than that for which tickets have been purchased persist on some sections of the Railway, but vigorous efforts are made to control irregular travel.

THE HONOURABLE MR. M. THIRUMALA ROW : With regard to (a) (i), has the Railway Board issued instructions that *pani* should be Muslim *pani* and Hindu *pani* ? Is it according to its instructions that this distinction is observed ?

THE HONOURABLE MR. D. D. WARREN : No, Sir.

MUSTARD OIL

93. THE HONOURABLE MR. SURPUT SINGH : Will Government state :

(a) The names of the mustard oil mills or their Combines in U. P. (with their location) which send the mustard oil quota from U. P. to Bengal ;

(b) Whether Sir J. P. Srivastava, the ex-Food Member of the Government of India, is directly or indirectly concerned with any of those U. P. mustard oil mills or their Companies either as a shareholder, or a partner or a director ?

(c) Whether it is a fact that it was through the indirect intervention of the Upper India Chamber of Commerce that the same railway freight was fixed for a maund of manufactured oil as for a maund of raw mustard seeds for conveyance from any station in U. P. to Howrah.

THE HONOURABLE SIR PHEROZE KHAREGAT : (a) The U.P. Oil Millers Association, Cawnpore, are at present exporting the U.P. quota of mustard oil to Bengal in accordance with arrangements negotiated with them by the Government of Bengal last year.

(b) Government have no information.

(c) No, Sir. Freight rates for mustard seeds are much lower than for oil. The rest of the question does not, therefore, arise.

MUSTARD OIL

94. THE HONOURABLE MR. SURPUT SINGH : Will Government state :

(a) Whether mustard oil is an article of essential consumption for the people of Bengal ?

(b) Whether they are aware that that this essential commodity of consumption is becoming scarce both in availability and in its price gradually enhancing so as to become out of the reach of the masses ?

(c) Whether they propose to hold a thorough investigation into the mustard oil and mustard seeds position *vis-a-vis* the Centre and the Provinces ?

THE HONOURABLE SIR PHEROZE KHAREGAT : (a) and (b) Yes.

(c) The question of control over all edible oils and oilseeds has been under thorough examination and was recently discussed at an all-India Conference attended by representatives of all Provincial Governments and important States. On the

recommendation of the Conference, the Government of India have adopted a policy of the fullest possible control on movement and prices of edible oilseeds and oils.

MEDICAL REQUIREMENTS ON JHARIA COALFIELDS

95. THE HONOURABLE MR. SURPUT SINGH : Will Government state whether a full-fledged and thoroughly equipped hospital for the sole use of the coal miners is not a desideratum both at Dhanbad and Asansol; if so, what steps are being taken by the Indian Mining Federation and the big coal companies towards that end?

THE HONOURABLE MR. S. LALL : A committee appointed by the Government of India in March, 1944 to survey the medical requirements of the Jharia coalfields recommended *inter alia* the establishment of central and regional hospitals with a view to improving the medical facilities for the miners. The need for well-equipped hospitals both in the Jharia and Raniganj coalfields has been appreciated by Government and the question of construction of central hospitals at Dhanbad and Asansol and regional hospitals at Tisra, Katras, Chara and Searsole is being pursued with vigour by Government, the cost being borne from out of the Coal Mines Labour Welfare Fund. Plans for the central hospitals are being finalized and proceedings are in progress for the acquisition of sites for their construction. Construction work of regional hospitals has already commenced.

2. In view of the hospitalization undertaken by the Coal Mines Labour Welfare Fund, private colliery companies are not taking independent action for setting up central or regional hospitals for the use of miners.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN : May I know, Sir, whether Government have got any temporary arrangements to provide medical facilities to the people in these areas while these plans are being materialised?

THE HONOURABLE MR. S. LALL : Many of the big collieries have their own hospitals or dispensaries. There are also the District Board and other hospitals. We are now trying to set up central and regional hospitals to which important cases can be sent. Up to now, of course, hospital arrangements have been neglected but I hope that with the setting up of the central and regional hospitals these will be considerably improved.

THE HONOURABLE MR. M. THIRUMALA ROW : Can the Honourable Member give us the number of hospitals they are going to build now including central and regional hospitals?

THE HONOURABLE MR. S. LALL : I have said that there will be central hospitals at Dhanbad and Asansol and regional hospitals at Tisra, Katras, Chara and Searsole. Thus, two central and four regional hospitals are going to be built immediately.

MATERNITY AND CHILD WELFARE CENTRES IN COLLIERIES

96. THE HONOURABLE MR. SURPUT SINGH : Will Government state :

(a) What arrangements are there in the several coal mines owned by big and influential companies for maternity welfare and child benefit?

(b) Whether it is a fact that sometimes when the lady doctor attached to one of the Tata's Collieries has no work to do as a medico, she is asked to attend to office work by the authorities?

(c) Whether the big European companies possess an ambulance car for each of their collieries for the speedy transport of accident cases to the existing hospitals at Jharia, Dhanbad and Asansol? If so, what are the names of all such collieries?

(d) Whether every big colliery has at present in their employ a lady doctor to attend to their maternity welfare work; if so, what are the names of such collieries?

(e) Whether the medical men in charge of big collieries are all fully qualified doctors with up-to-date training and qualifications required from medical colleges;

(f) Whether there is periodical inspection by the Central Government over the general administration of the coal mines so far as health, sanitation, education, leave, leisure and housing of miners are concerned, if so, how and by what agency that is done; and whether reports of such periodical inspections are released to the Press?

THE HONOURABLE MR. S. LALL: (a) Presumably the Honourable Member desires to know whether maternity and child welfare centres are being maintained by large collieries. Information in respect of these matters is not readily available with Government, but will be collected and furnished to the House in due course.

(b) Government have no information.

(c) & (d) Information will be collected and laid on the table of the House in due course.

(e) Government have no definite information.

(f) The Chief Inspector of Mines and his Assistant Inspectors carry out periodical inspections with a view to ensuring that the requirements of the Indian Mines Act, 1923, regarding sanitation, health, hours of work and rest intervals, are complied with. The Inspectors of Labour Welfare, employed by the Coal Mines Labour Welfare Fund also carry out inspections with a view to advising colliery owners regarding provision of welfare measures including housing. No inspections are carried out by the Central Government regarding education of the miners. The annual reports of the Chief Inspector of Mines which embody the results of the periodical inspections carried out by the Inspectorate were not released to the Press during the War owing to shortage of paper, but will be released hereafter.

THE HONOURABLE MR. M. THIRUMALA ROW: Has the Labour Department any policy to insist upon minimum arrangements for medical relief upon all these big colliery owners?

THE HONOURABLE MR. S. LALL: That matter is now under consideration by the Mines Welfare Fund Committee. At present we are examining what provisions are being made by private colliery owners. When we have a clear picture of what provision is made we will be able to say whether particular colliery proprietors are or are not providing enough medical facilities. We can then consider what action should be taken.

THE HONOURABLE MR. M. THIRUMALA ROW: Am I to understand that up to now the Department has no policy or definite set of rules to insist on minimum medical relief?

THE HONOURABLE MR. S. LALL: That is correct. At present there is no definite rule to that effect, but the whole question is under examination.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN: With regard to (a) while Government are collecting the information will they ask the owners of these collieries to start maternity and child welfare clinics?

THE HONOURABLE MR. S. LALL: Yes, we will try and persuade them to start maternity and child welfare clinics.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN: With regard to (d) Sir, will the Government make it compulsory for the collieries to employ lady doctors to conduct maternity and welfare work?

THE HONOURABLE MR. S. LALL: That will require consideration. I cannot commit Government straightaway.

CHITTAGONG ARMOURY RAID

97. **THE HONOURABLE MR. SURPUT SINGH:** Will Government state:

(a) Whether the Government of India exercised in any way their discretionary powers of control and superintendence through their own agency in Chittagong in Bengal Province when an unprecedented disturbance took place inside the Chittagong Armoury during the Viceroyalty of Lord Irwin in India?

(b) If the answer is in affirmative, the nature and extent of such control and superintendence over the Provincial Administration to get over the said disturbance ?

THE HONOURABLE MR. A. E. PORTER : (a) I find nothing on record to indicate that the Central Government of the day intervened in the manner suggested by the Honourable Member.

(b) Does not arise.

THE HONOURABLE MR. M. THIRUMALA ROW : Have the Central Government not got power to intervene when serious disturbance breaks out in such an area in the country ?

THE HONOURABLE MR. A. E. PORTER : I think that the question was referred to recently by Mr. Henderson in the House of Commons and I would refer the Honourable Member to the reply there given.

THE HONOURABLE MR. M. THIRUMALA ROW : We are not in the House of Commons today. I want to know if the Honourable Member in charge of the Home Department has got the experience of 1942 when the whole system of law and order was centralised and is it right that they should now plead that they have no power or refer us to some other proceedings elsewhere ?

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. Thirumala Row) : Please do not argue ; put a question.

THE HONOURABLE MR. M. THIRUMALA ROW : I want to know if the Honourable Member cannot exercise his powers just as he exercised in 1942 to put down a popular movement ?

THE HONOURABLE MR. A. E. PORTER : Conditions of 1942 no longer exist.

THE HONOURABLE MR. M. THIRUMALA ROW : You are still here. 1942 may not exist, but the persons who existed in 1942 continue to exist in the Government of India today.

THE HONOURABLE MR. S. K. ROY CHOWDHURY : What is the extent of lawless disturbance that will require the intervention of the Government of India ?

THE HONOURABLE MR. A. E. PORTER : Disturbances which attract the intervention of the Government are those threatening the security of India by war.

THE HONOURABLE MR. G. S. MOTILAL : Isn't there section 102 which also provides that in the case of internal disturbances the Government of India may exercise powers if an emergency is declared ?

THE HONOURABLE MR. A. E. PORTER : If the security of India is threatened by internal disturbance or war the Central Government may take upon itself certain legislative functions which otherwise are purely Provincial subjects.

THE HONOURABLE MR. S. K. ROY CHOWDHURY : If the civil administration fails in a particular part, is it not the duty of the Central Government to intervene ?

THE HONOURABLE MR. A. E. PORTER : It is not in the constitution, Sir, of the Government of India.

MILITARY DAIRY FARMS

98. THE HONOURABLE MR. G. S. MOTILAL : (a) How many military dairy farms have been taken over by Government in accordance with the recommendation of the Standing Committee for the Department of Agriculture made on 4th June, 1946 ?

(b) What are their particulars ?

THE HONOURABLE SIR PHOENIX KHAREGAT : (a) & (b). No Military dairy farm as a going concern (i.e., with cattle, etc., in it) has been disposed of since the Standing Committee of the Legislature for the Department of Agriculture made its recommendation on the 4th June, 1946. Three of the military dairy farms at Kapsewadi (Poona), Fyzabad and Bhadrak (Lucknow) have, however, since been closed down and the livestock, etc., removed to other military dairy farms. The Provincial Governments concerned have been negotiating with the military authorities for taking over the lands and buildings of these abandoned military dairy farms.

MALKERA STATION, B. N. R.

99. THE HONOURABLE MR. SURPUT SINGH : Will Government state :

(a) How far Malkera Railway Station on B. N. R., Gomah-Adra section, is situated from the big Malkera Colliery of the Tatas ?

(b) Whether it is a fact that that railway station is largely used by the mine workers and office staff of the Tatas daily both in up and down directions ;

(c) Whether it is also a fact that the letter box which is kept hanging at the railway platform is cleared only once in a week on Fridays by the Katrasgarh Post Office ; if so, whether Government propose to make arrangements to have the letter-box cleared every day ?

THE HONOURABLE MR. D. D. WARREN : (a) 1½ Miles.

(b) Yes.

(c) The clearance is done three times a week by the postman on his beat days. The number of articles to be cleared at a time is very small and Government do not propose to make arrangements for affecting clearance every day.

MAXIMUM PERIODS PRESCRIBED FOR PROMOTION IN THE ROYAL NAVY, ETC.

100. THE HONOURABLE PANDIT H. N. KUNZRU : (a) Is it a fact that the maximum periods prescribed for promotion from one rank to another in the British Navy-Army and Air Force before the war have been recently reduced ? If so, what were they before the war and what are they now ?

(b) Will Government give the corresponding periods for the Indian Army ?

THE HONOURABLE MR. C. H. BHABHA (on behalf of the Honourable Sardar Baldev Singh) : (a) There have been no changes in the maximum periods prescribed for promotion from one rank to another in the Royal Navy and the Royal Air Force. As regards the British Army the periods of promotion have been reduced as follows :—

Rank	Before the war	Now
2nd Lt. to Lt.	After 3 years' service	After 2 years' service.
Lt. to Capt.	After 8 years' service	After 6 years' service.
Capt. to Major	After 17 years' service	After 13 years' service.
Major to Lt.-Col. and above	By selection	By selection.

(b) The corresponding periods for the Indian Army before the war were the same as in the British Army except that the period of promotion in the Indian Army from 2nd Lieut. to Lieut. was 2½ years' service.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the period now ? What are the maximum periods fixed for promotion now in the Indian Army ?

THE HONOURABLE MR. C. H. BHABHA : For the Indian Army there have been no changes. The matter is under consideration at present.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I know when we may expect the final decision of the Government on this subject as the matter has been hanging fire for several months ?

THE HONOURABLE MR. C. H. BHABHA : The proposal is under consideration at present to bring the promotion rules in the Indian Army into line with the latest rules in the British Army, and very soon the proposal will be fully considered.

PERMANENT COMMISSIONS

101. THE HONOURABLE PANDIT H. N. KUNZRU : What is the number of Emergency Commissioned Officers who have applied for permanent commissions ? How many of them have appeared before Selection Boards and how many of the latter have been successful ?

THE HONOURABLE MR. C. H. BHABHA (on behalf of the Honourable Sardar Baldev Singh): The number of emergency commissioned officers who applied for permanent commissions in the three services is 4,877. Of these 4,394 have appeared before the Selection Boards and 1,712 have been successful.

Plans are now well advanced to give those officers who were unsuccessful in their applications a further opportunity to obtain regular commissions in the Army. A course of pre-selection training at a special school is to be established with a view to developing their qualities of leadership and personality so as to fit them if possible for the grant of regular commissions. This course will be open to all emergency commissioned officers who wish to apply to attend it, provided they fulfil the necessary conditions appertaining to age, health, etc. It is hoped that in this way the Army will secure a considerable number of suitable officers with war experience.

SHORT TERM COMMISSIONS AND SPECIAL COMMISSIONS

102. THE HONOURABLE PANDIT. H. N. KUNZRU: What is the number of short term and special commissions, respectively, granted up to the end of October, 1946?

THE HONOURABLE MR. C. H. BHABHA (on behalf of the Honourable Sardar Baldev Singh): No short-term commissions have so far been granted in any of the three services, but it is the intention to grant 2,000 such commissions in the Indian Army in the near future. An announcement to this effect was made on 4th November 1946. The number of special commissions granted in the R.I.A.F. is 18 while no such commissions have been granted in the Navy.

It is also proposed to grant special direct commissions to serving V.C.Os. and I.O.Rs. of the required educational qualifications, for certain types of administrative works such as Record Officers, Quartermasters, Assistant Adjutants, etc. The total to be granted will depend on the numbers applying with the necessary qualifications. There is however no intention of reducing the general standard of officers of I.A.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Why is it that no short-term Commissions have been granted as yet. Has not this matter too been under the consideration of the Government of India for at least seven months?

THE HONOURABLE MR. C. H. BHABHA: I want notice of that, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What is the maximum number of Special Commissions which it is proposed to grant in the Indian Army subject to the necessary educational qualifications?

THE HONOURABLE MR. C. H. BHABHA: Sir, I have just said that 2,000 is the total number of such short-term Commissions that is going to be offered.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Does the Honourable Member realise that there is a difference between the short term and Special Commissions. While the short-term Commissions are meant generally speaking for the Emergency Commissioned Officers the Special Commissions are meant for V.C.Os. and I.O.Rs. as he himself has stated in his reply.

THE HONOURABLE MR. C. H. BHABHA: The total number is 2,000 and it includes also Special Commissions.

THE HONOURABLE MR. V. V. KALIKAR: What is the number of Special Commissions?

THE HONOURABLE MR. C. H. BHABHA: The total number, as I said, is 2,000. There is no special number that has been allotted for Special Commissions and the short-term Commissions.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is the Honourable Member certain of that? I was under the impression that the Military Authorities intended to give about 1,000 Special Commissions to V.C.Os. and I.O.Rs. and about 2,000 short-term Commissions to Emergency Commissioned officers.

THE HONOURABLE MR. C. H. BHABHA: Sir, I would like to have notice.

SHORT TERM COMMISSIONS AND SPECIAL COMMISSIONS

103. **THE HONOURABLE PANDIT. H. N. KUNZRU :** Have Government decided to reconsider the cases of officers rejected by the Selection Boards but still recommended by the Commanding Officers of their units? If so, what has been the result of the re-consideration so far?

THE HONOURABLE MR. C. H. BHABHA : (on behalf of the Honourable Sardar Baldev Singh) : Yes, Sir. As regards the Indian Army, so far 89 cases have been recommended by Commanding Officers and the candidates concerned will appear before the Selection Boards again. In addition, 524 cases of Grade "Six" officers have been reviewed and 306 have been up graded. In the case of the Royal Indian Navy, the total number of permanent commissions offered was 156 and as all have been filled, the question of reconsideration of rejected cases does not arise. The question does not apply to the Royal Indian Air Force where the method of selection differs from that of the Army.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Did the Honourable Member say that the rejected Emergency Commissioned officers whose cases had been recommended for further consideration by their Commanding Officers would have to appear again before Selection Boards?

THE HONOURABLE MR. C. H. BHABHA : Yes, that is exactly what I said.

INTAKE OF CADETS AT INDIAN MILITARY ACADEMY

104. **THE HONOURABLE PANDIT. H. N. KUNZRU :** What is the number of cadets normally required for the Indian Military Academy? How many cadets have been admitted into the Academy since the conclusion of the war and what is the deficiency to be made good so far?

THE HONOURABLE MR. C. H. BHABHA (on behalf of the Honourable Sardar Baldev Singh) : The required annual intake of cadets at the I. M. A. for the Indian Army from 1947, is 500. 384 cadets have been admitted to the I. M. A. since the conclusion of the war, i. e., the total admitted to the first and second courses commencing in 1946. These two courses were intended to take 500 each and the deficiency to be made up for 1946 is therefore 616.

EXTERNAL AFFAIRS DEPARTMENT

105. **THE HONOURABLE PANDIT. H. N. KUNZRU :** (a) What is the number of superior officers belonging to the External Affairs Department in the Secretariat?

(b) How many of them are Indians and what posts do they occupy? Do Government contemplate an early increase in their number?

THE HONOURABLE MR. A. V. PAI : (a) The number of superior officers in the External Affairs Department Secretariat is at present 23.

(b) Of these 13 are Indians or Anglo-Indians holding the following posts :—

Deputy Secretaries	2
Private Secretary to Honourable Member	1
Under Secretaries	5
Assistant Secretaries	5

It is the intention of Government to increase the numbers of Indian officers as rapidly as possible. This question is connected with the formation of the new Indian Foreign Service to which it is proposed to recruit Indians only.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Has the Honourable Member included Assistant Secretaries amongst the superior officers?

THE HONOURABLE MR. A. V. PAI : Yes, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is that the custom in the Secretariat?

THE HONOURABLE MR. A. V. PAI : Yes, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Since when?

THE HONOURABLE MR. A. V. PA : In the list of superior officers in the Secretariat Assistant Secretaries are included

HELP GIVEN TO ESCAPED PRISONERS OF WAR BY THE INHABITANTS OF ETOBON AND CHANEBIER IN FRANCE.

106. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Will Government make a statement relating to the gallant part played by the citizens of Etobon and Chanebier in France, in giving succour and help in the shape of food, clothing and refuge to the Indian prisoners of war, who fled from the German concentration camps after bombing and took shelter in the neighbouring French forest during the German war, and many of whom were ultimately killed by the Nazis for giving help and shelter to the escaped Indians ?

(b) Are Government aware that Sir Samuel Runganadhan, High Commissioner for India, accompanied by Col. Hayand Din of the Indian Army recently came specially from London to unveil a handsome memorial and a library in the village of Etobon (France) to the men, women and children who played their part with the sons of India for the overthrow of Nazism ?

THE HONOURABLE MR. C. H. BHABHA (on behalf of the Honourable Sardar Baldev Singh) : (a) I lay a statement on the table.

(b) Government are aware that Sir Samuel Runganadhan and Col. Hayand Din together with the British Military Attache, visited Etobon on October 26 to make the presentation, accounts of which have appeared in the Press. I would take this opportunity of adding that the inhabitants of these two villages are anxious to keep in touch with the Indian soldiers whom they helped and that Government will be pleased to have translated into French and forwarded any letters which such former prisoners of war may wish to write to them

Statement

May, 1944, a large number of Indian prisoners of war escaped from the local German-prison camp and took to the surrounding forests in an endeavour to reach Switzerland. Between 150 and 200 prisoners gravitated to the vicinity of Etobon and Chanebier. Under cover of the surrounding forests the escapees lived hidden in rough log shelters in the woods for about six months until they were finally liberated by the arrival of French and U. S. troops from the south

The men were welcomed by the French inhabitants of the two villages who supplied them with food, clothing and medical aid throughout their enforced stay. Wireless sets were placed at their disposal to enable them to listen to the progress of the war, tobacco rations were handed to the escapees and woollen garments were made for them by the French. To the prisoner's hide-out in the woods food was carried by the villagers, often at night, at the risk of possible arrest by German patrols.

Arrest for helping escaped P. O. W. would have meant death and 39 Frenchmen were in fact shot in cold blood on September 27, 1944, as a reprisal. In all 67 from these two villages were shot.

For their help given to escaped Indian P. O. W. the Government of India presented to Etobon and Chanebier a cheque for £ 1,000 towards the establishment of a joint library for the two villages, which have already raised the bulk of the amount required by public subscription from the villagers themselves. The War Office is paying the balance. A memorial is also to be set up by the local inhabitants at their own expense. This will include a plaque, paid out of the Government of India's gift, with an inscription in Roman Urdu and French expressing the gratitude of India for the help given to Indian escaped P. O. W. and sympathy for those members of the two communities who were put to death by the Germans.

AMERICAN SURPLUS FOOD

107. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Are Government aware that large quantities of American surplus stores of food, valued at several lakhs of rupees, were destroyed recently in Karachi, having been declared unfit for human consumption, by the panel of experts attached to the Food Commissioner, Karachi ?

(b) Why were no steps taken earlier to buy these good surplus stores before they became unfit for human consumption, in view of the fact that the war ended more than a year ago ?

THE HONOURABLE SIR PHEROZE KHAREGAT : (a) A quantity valued at Rs. 4,000 had to be destroyed early in the year by the Local Government. The Survey Board since appointed by the Food Department has declared about 7 per cent of the stocks as unfit for human consumption.

(b) The surplus was declared by the American authorities at the end of 1945, and possession given between 20th March and 8th May, 1946. Since then energetic

NOTE.—Questions standing against the name of the Honourable Raja Yuveraj Dutta Singh were put by the Honourable Mr. V. V. Kaliker.

steps for disposal have been taken. The deterioration which is mostly of stocks in paper packing was natural to the age, contents, storage conditions of the stocks and was beyond the control of the Government of India.

MR. SUBHAS CHANDRA BOSE.

108. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: (a) Has the attention of Government been drawn to the following statements of Sardar Sardul Singh Caveeshar, President of the All-India Forward Bloc (*vide* the Pioneer dated the 24th October, 1946, late City edition) :—

(i) "I am positive that Mr. S. C. Bose is alive" ?

(ii) "Mr. Bose can come to India on our request, provided we inform him that there is a settlement between the Congress and the British Government in terms of the 'Quit India' resolution, or when Congress again takes up the final fight for the freedom of India" ?

(iii) "Some of the Forward Bloc members have received Code messages from Mr. Bose as recent as three months ago. That Code is known to Mr. Bose and none else" ?

(iv) "I have also before me the statement on oath of three Singapore merchants with whom Mr. Bose lived long after the argument referred to by the Allied investigation team and Mr. Habibur Rehman" ?

(b) Do Government propose to take necessary steps to verify the truth by proper enquiry ?

THE HONOURABLE MR. A. E. PORTER: I have seen the statement as I explained in my reply to the Honourable Member's question No. 29 on the 7th November, Government do not propose to make any enquiries in the matter.

OUTPUT OF COAL

109. THE HONOURABLE F/LT. RUP CHAND: Will Government state whether it is a fact that the output of coal in India at present is very low and that insufficiency of coal supplies is hampering industrial progress of the country, and whether in view of the urgent need of increasing output of coal especially of good quality, Government have taken or propose to take any measures in this direction ?

THE HONOURABLE MR. M. W. M. YEATTS: The output of coal in the country at present is about 30 million tons per annum and of this about 26 million tons are being sent to consumers. As against this, despatches in 1943 were only 23 million tons. The present requirements are estimated to be about 4 million tons per annum higher than the available supplies. To this extent it would be correct to say that the shortage of coal is hampering industrial activity.

Government took various measures during 1944 and 1945 to improve coal raisings such as the offering of certain financial inducements to colliery owners, the provision of imported labour the adoption of labour welfare measures, the resort to open cut coal mining operations and so on. As a result, there has been a progressive increase in coal raisings but any substantial increase in output would require increased rail transport facilities to move the additional coal.

The Indian Coalfields' Committee have after assessing the coal requirements of the country for the next ten years, recommended measures covering the production and transport aspects of coal availability and designed to provide consumers with a progressive increase of 1½ million tons of coal per year. The Committee consider that at this rate a balancing of demand and supply will probably be achieved by 1954. I would like to add that neither coal production nor transport capacity can be increased on any large scale at short notice.

RELEASE OF REQUISITIONED HOUSES

110. THE HONOURABLE F/LT. RUP CHAND: Will Government state:

(a) Whether it is a fact that a number of buildings and houses requisitioned by Government during war time have not yet been released ?

NOTE.—Questions standing against the name of the Honourable Raja Yuveraj Dutta Singh were put by the Honourable Mr. V. V. Kalikar.

(b) Whether Government are aware that the people are suffering great inconvenience because of the acute shortage of housing accommodation in urban areas throughout the country, partly as a sequel to the requisition of houses and buildings for Government officers ?

(c) Whether Government have taken any steps to relieve this shortage of house and to encourage the construction of new buildings by making all raw materials freely available and by other facilities to house builders if so, will they give the details of such steps taken ?

THE HONOURABLE MR. C. H. BHABHA : (a) Yes.

(b) Yes.

(c) Government have constructed residential and office accommodation during the war to relieve congestion as per statement placed on the table. Besides this, they are considering taking up the following construction in hand :

30 officers' bungalows under construction;

200 officers' flats in New Delhi ;

2,000 clerks' quarters in New Delhi ;

1,000 clerks' and 250 peons' and daftries' quarters in Old Delhi.

1,000 peons' quarters in New Delhi.

Steps taken to encourage construction of new buildings by private house-builders are as follows :

(i) Bricks are released to the public in Delhi at their request, and large stocks of bricks are available.

(ii) Control on timber has been lifted and the same is available in the market.

(iii) As regards steel and cement the position as stated in the Assembly by the Honourable Member in charge of Industries and supplies is as follows. The Government of India removed their control over steel, but they have been compelled recently to reimpose the steel control owing to a fall in production and the inadequate supplies now available. The Cement Control lapsed on 1st October 1946, but has been reimposed by many of the Provinces. Here also a central control may become necessary. In both cases however the Control will amount to the allocation of provincial quotas and the Provincial Governments will be left free to make quantities available for the construction of houses and buildings.

Steps are also being taken by the Delhi Improvement Trust to expedite the construction of new houses. In the first instance, the lessees of plots in Daryaganj, South, Mondhewala Road, Original Road and Barstin Bastion Road are being asked to complete construction of new buildings within one year from the date of the notice. Similar action will be taken in respect of plots of land sold in other Trust areas also. The Trust also propose to construct poor class quarters under the State-aided re-housing Scheme. These quarters are intended primarily for those who may have to vacate their present accommodation on account of slum clearance schemes sponsored by the Trust.

In order to accelerate the building of new accommodation, the Government of India have asked all Provincial Governments to set up Building Material Panels to co-ordinate the requirements of building materials, and all efforts will be made to meet those requirements as far as possible.

Statement

	sq. ft.
Temporary office accommodation built during the war in Old and New Delhi	19,56,726
Permanent & semi-permanent accommodation in Old & New Delhi during the war for married clerks drawing salary less than Rs. 600 p.m.	2,737
Permanent & Semi-permanent accommodation for single clerks drawing salary less than Rs 600 p.m.	1,084
Temporary accommodation for married clerks drawing salary less than Rs. 600 p.m.	16

Temporary accommodation for single clerks drawing salary less than Rs. 600 p.m.	224
Semi-permanent accommodation for officers drawing salary above Rs. 600 p.m. (Married).	134
Temporary Family Hutments	243
Temporary hutments, hostels and single quarters for Commissioned Officers (RAF, Army, etc.).	2,149
Temporary quarters for B. O. Rs.	4,695
Temporary single quarters for War Deptt. clerks.	1,000

SHORTAGE OF SUGAR

111. THE HONOURABLE F/LT. RUP CHAND : Will Government state :

(a) Whether any sugar has been exported from India to the Middle East or to Far Eastern countries during the last two years ; if so, the quantity so exported ?

(b) Whether it is a fact that there is a shortage of sugar in India at present leading to a reduction in the rationed quota for civilians particularly in urban areas ?

(c) The causes of shortage of sugar ?

(d) Whether any steps have been taken to import sugar from the Far East or from elsewhere to tide over the shortage in this country ; and to increase sugar production in India in the future ; if so ; what are the details of such measures ?

(e) whether in view of the shortage and insufficiency of sugar supplies in India Government have considered the advisability of stopping export of sugar from India altogether ?

THE HONOURABLE SIR PHEROZE KHAREGAT : (a) A total quantity of 14,484 tons in the sugar season 1944-45 was exported to Afghanistan, South East Persia and certain Sheikhdoms on the Persian Gulf. In the season 1945-46, 12,061 tons was exported to the same countries excluding Persia. No exports were allowed to the Far Eastern Countries or other countries of the Middle East.

(b) Yes.

(c) The shortage of sugar is due to a fall in sugar production in India and lack of imports from outside, coupled with increased demand for sugar not only from urban areas but also from the rural areas where a substantial demand has grown owing to increased purchasing power of the people and to the change in their habits due to the impact of war.

(d) Yes ; the Government of India have been pressing for an allocation of 200,000 tons of sugar but the International Emergency Food Council has so far been unable to give any quota. Efforts to secure some allocation for the next sugar season are continuing.

(e) The export of limited quantities of sugar to the neighbouring countries mentioned above has been considered necessary in the interest of good neighbourly relations.

THE HONOURABLE MR. HOSSAIN IMAM : What positive steps has the Government taken to find out from the sugar-producing countries if they have got any surplus sugar to dispose of ?

THE HONOURABLE SIR PHEROZE KHAREGAT : We cannot get the sugar from other countries directly. All the sugar is controlled by the International Emergency Food Council and allotments are made by them ; and we have been pressing them hard to make a suitable allotment to India.

THE HONOURABLE MR. HOSSAIN IMAM : Is it not a fact that the United Kingdom have got a contract to purchase all the sugar produced in the British colonies in South America ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I have no information on the point, but it may be perfectly true.

THE HONOURABLE MR. HOSSAIN IMAM : How can the United Kingdom make purchases outside the Food Council and the Government of India cannot ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I do not know whether the arrangements which have been made by the United Kingdom with other Governments are direct or effect is given to them through the International Emergency Food Council.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : May I know who issues licences for starting new sugar mills ? Is it the Central Government or the Provincial Government ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I think it is a combination of the two : that is, the actual licences are issued by the Provincial Government, but it is done in accordance with a plan which has been prepared by the Food Department.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : May I know if any quotas of new sugar mills have been allotted to the Province of Bihar ?

THE HONOURABLE SIR PHEROZE KHAREGAT : Yes, Sir. I find that out of 20 new sugar units, one is to be located in Bihar.

RECOMMENDATIONS OF THE AIRCRAFT MISSION

112. THE HONOURABLE F/LT. RUP CHAND : Will Government state :

(a) Whether the recommendations of the Aircraft Mission which visited India early this year have been accepted by Government in their entirety ?

(b) Whether any progress has been made in the production of aircraft in this country including trainer aircraft ?

(c) Whether Government have considered the advisability of reducing this 20 year target, especially because the demand for more aircraft of different type for defence and for civilian needs is growing ?

THE HONOURABLE MR. M. W. M. YEATTS : (a) Apart from some points of detail, yes.

(b) Hindustan Aircraft Limited factory at Bangalore has been selected for the manufacture of aircraft. The Defence Department has already placed an order for 50 Percival Trainers. 20 of these will be assembled and 30 manufactured at Hindustan Aircraft Limited.

(c) Every effort is being made to reduce the duration of the transitional stages leading up to the manufacture of aircraft in this country.

THE HONOURABLE MR. HOSSAIN IMAM : Is the Hindustan Aircraft Company owned by Government ?

THE HONOURABLE MR. M. W. M. YEATTS : Two-thirds of the share capital is owned by the Government of India, one-third by the Government of Mysore.

PROVISION OF SAFEGUARDS FOR BRITISH OFFICERS IN THE INDIAN ARMY

113. THE HONOURABLE F/LT. RUP CHAND : Will Government state :

(a) Whether any "Safeguards" or special protection of interests are being provided to British officers of certain Brigades in the Indian Army under the new proposals for Indianisation ;

(b) Whether it is a fact that Mr. Arthur Henderson, Under Secretary of State for India, answering a question by Col. Duncan in the House of Commons on June 25, 1946, gave the assurance that "the question of providing special safeguards for British officers and others was receiving the sympathetic consideration of the British Government" and that the matter "was very much in their minds" ?

THE HONOURABLE MR. C. H. BHABHA (on behalf of the Honourable Sardar Baldev Singh), (a) There is no proposal for "safeguards" for British officers, but the question of compensation for those whose career may be interrupted is under consideration.

(b) The question to which the Honourable Member refers presumably relates to the future of the Gurkha battalions in the Indian Army. This is at present under the consideration of Government.

GOVERNOR OF THE NORTH WEST FRONTIER PROVINCE

114. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that the Governor of the N. W. F. Province is not only the titular head of the Ministry and the Government in that Province, but also Agent to the Governor General for the tribal territory. In view of the incongruity of the two functions, do Government propose to relieve him of his responsibility for the administration of the tribal areas or any connection with it ?

THE HONOURABLE MR. A. V. PAI : It is a fact that the Governor of the North West Frontier Province is the titular head of the Government in that Province and also the Agent to the Governor-General for the tribal areas. Future arrangements will necessarily depend on the decisions of the Constituent Assembly.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask what the Honourable Member means by "titular head" ? Has he not got any powers under the constitution ?

THE HONOURABLE MR. A. V. PAI : Titular means by virtue of title.

THE HONOURABLE MR. HOSSAIN IMAM : That is not the meaning of "titular" It means he has no functions.

THE HONOURABLE MR. A. V. PAI : He has functions.

VISIT OF THE HONOURABLE PANDIT JAWAHRARAL NEHRU TO THE TRIBAL AREAS

115. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government make a statement relating to the alleged complicity of the Political Department in the hostile demonstrations and incidents which took place in connection with the recent tour of the Honourable Pandit Jawahar Lal Nehru, in the tribal areas of the N. W. Frontier ?

THE HONOURABLE MR. A. V. PAI : It is evident that the references to the Political Department are not accurate. Probably what is meant is that some officials of the Local Administration both in the Frontier Province and the tribal areas are concerned. It is not possible to make a statement pending the result of an enquiry.

THE HONOURABLE MR. V. V. KALIKAR : Is the matter under inquiry now ?

THE HONOURABLE MR. A. V. PAI : Yes, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member give the amount of fine that has been imposed on those tribes for the incidents ?

THE HONOURABLE MR. A. V. PAI : I must ask for notice, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Did the Honourable Member read the speech of the Viceroy yesterday ?

(No answer.)

RIOTS IN NOAKHALI AND TIPPERRA DISTRICTS IN BENGAL.

116. THE HONOURABLE MR. SURPUT SINGH : Will Government state :

(a) Whether they are aware of the most disquieting reports of organized hooliganism and lawlessness resulting in arson, loot, abduction of women, forcible conversion and killing of the Hindus, men, women and children in the district of Naokhali in Bengal in the middle of October last ?

(b) Whether the incidents reported are not similar to those perpetrated by the *Hurs* in Sind ?

(c) If the answer to (a) is in affirmative, whether in the interest of peace, tranquillity and good government of the country at large they propose to make a thorough investigation into the affairs of the place through their secret service department ?

(d) Whether they rule out the idea that there must have been some powerful underground movement which had been working out all these blood-curdling devastations and depredations ?

THE HONOURABLE MR. A. E. PORTER : (a) Government have seen report of riots among other places in Noakhali and Tippera Districts in Bengal.

(b) I know of no evidence suggesting that the disturbances in the two provinces were parts of a coordinated plan.

(c) and (d.) The riots in Noakhali and Tippera are exclusively the concern of the Provincial Government.

THE HONOURABLE MR. HOSSAIN IMAM : Are the Government in a position to give any figure of the casualties in Noakhali and Tippera ?

THE HONOURABLE MR. A. E. PORTER : No, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Has the army at Noakhali and Tippera made any inquiries ?

THE HONOURABLE MR. A. E. PORTER : I presume the question is directed to the Honourable the Defence Member.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN : May I ask, Sir, whether the Government could give some information as to the steps that have been taken to restore the abducted women to their families ?

THE HONOURABLE MR. A. E. PORTER : Sir, I have had no report on that. This is a matter which I have indicated is entirely the concern of the Provincial Government.

THE HONOURABLE MR. S. K. ROY CHOWDHURY : Is the Honourable Member aware of the large number of conversions and forced marriages in Noakhali and Tippera districts ?

THE HONOURABLE MR. A. E. PORTER : I have seen statements in the press to that effect.

THE HONOURABLE MR. HOSSAIN IMAM : Have they been corroborated ?

THE HONOURABLE MR. A. E. PORTER : Again, Sir, I have no official authentic figures of either casualties or conversions or abductions or forced marriages.

THE HONOURABLE MR. S. K. ROY CHOWDHURY : Has it not been corroborated by the Minister of Bengal, Mr. Shamsudin Ahmad ?

THE HONOURABLE MR. A. E. PORTER : I have received no report of that, Sir

MINISTERS AND CONSULS SERVING ABROAD

117. **THE HONOURABLE PANDIT H. N. KUNZRU :** (a) How many Ministers and Consuls, respectively, are serving abroad under the External Affairs Department ? What are the countries in which they are serving and how many of them are Indians ?

(b) What steps do Government propose to take to bring about a rapid increase in the number of Indian posts holding such posts ?

THE HONOURABLE MR. A. V. PAI : (a) A statement of consular and diplomatic posts abroad staffed by officers of the Indian Political Service and others serving under the External Affairs Department is laid on the table of the House. There are 2 Ministers, 2 Charges d'Affaires, 3 Consuls-General, 2 Counsellors, 6 Diplomatic Secretaries, 11 Consuls and 8 Vice-Consuls. Out of these, 2 Charges, 1 Counsellor, 3 Secretaries, 5 Consuls and 3 Vice-Consuls are Indians. One Secretary's post, which is normally held by an Indian, is temporarily vacant.

(b) It has been decided that a separate Indian Foreign Service should be established. All new representative posts abroad are staffed exclusively by Indians.

Statement showing number of diplomatic and consular posts in various countries which are staffed by officers of the Indian Political Service and others serving under External Affairs Department.

Indian Embassy in the U. S. A.—

1. Charge d' Affaires, Washington.
2. First Secretary.
3. Second Secretary.

Indian Embassy in China—

1. Charge d'Affaires, Nanking.
2. First Secretary (vacant).
3. Second Secretary.
4. Indian Consul, Shanghai

Indo-China—

1. Indian Vice-Consul, Saigon (Has not yet proceeded to his post).

Siam—

1. Indian Consul, Bangkok (Has not yet proceeded to his post).

Afghanistan—

1. H. M.'s Minister, Kabul.
2. Counsellor, British Legation, Kabul.
3. Secretary, British Legation.
4. H. M.'s Consul, Jalalabad.
5. H. M.'s Consul, Kandahar.

Iran—

1. Additional Counsellor, British Embassy, Tehran.
2. Additional Consul for Indian Affairs at Tehran.
3. H. M.'s Consul General for Khorasan.
4. H. M.'s Consul, Zahidan.
5. H. M.'s Vice-Consul, Zabol and Zahidan.
6. H. M.'s Vice-Consul, Meshed and Birjand.
7. H. M.'s Addl. Vice-Consul, Meshed.
8. H. M.'s Consul for Kerman and Persian Baluchistan.
9. H. M.'s Consul, Khorramshahr.
11. H. M.'s Consul, Bushire.
12. H. M.'s Vice-Consul, Bushire.
13. H. M.'s Consul, Bundor Abbas.

Saudi Arabia—

1. Indian Vice-Consul, Jedda.

Iraq—

1. Indian Vice-Consul, Bagdad.

Kashgar—

1. H. M.'s Consul General at Kashgar.
2. H. M.'s Vice Consul, Kashgar.

French Establishment in India—

1. H. M.'s Consul General, Pondicherry.

Portuguese Possessions in India—

1. H. M.'s Consul, Marmagao.

Nepal—

1. H. M.'s Minister, Nepal.
2. First Secretary, British Legation, Nepal.

PLANS FOR DEVELOPMENT OF THE NORTH-WEST FRONTIER.

118. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Is it a fact that in 1944 a Planning Commissioner was appointed for the N. W. Frontier Province and the tribal areas for the preparation and development of plans for the N. W. Frontier, covering six settled Districts of the Province and the adjoining tribal areas ?

(b) Is it a fact that in April 1945 a plan was printed for official use, but it was not published and kept secret ? Will Government lay a copy of it on the table or place it in the library of the House ?

THE HONOURABLE MR. A. V. PAI : (a) Yes, Sir.

(b) It was originally intended to publish this plan, and although it was later decided not to do so, most of the schemes and ideas contained in it have since been embodied in the "Five Year Post-War Development Plan for the North-West

Frontier Province and Tribal Areas " which was published at Peshawar in October of this year. A copy of this document is being placed in the Library of the House.

THE HONOURABLE MR. HOSSAIN IMAM : How is it compatible for the Frontier Government to plan for the progress of the tribal areas in the face of the declaration by the Viceroy that tribal areas are free countries ?

THE HONOURABLE MR. A. V. PAI : At present the Governor of N. W. F. P., as I have pointed out, is responsible for the tribal areas.

THE HONOURABLE MR. HOSSAIN IMAM : Would I be correct in saying that the liberty of the tribal areas is a myth ?

(No answer.)

AGREEMENT WITH THE U. S. A. ARISING OUT OF LEND-LEASE

119. THE HONOURABLE F/LT. RUP CHAND : Will Government state :

(a) Whether it is a fact that an Indo-U.S. Lend-Lease agreement was concluded last summer by Mr. A. A. Waugh, ex-Member of the Viceroy's Executive Council by way of adjustment of claims arising out of the war with the Government of U.S.A. without consulting the Central Legislature or Indian Public opinion ;

(b) Whether it is true that India was about 200 crores on the plus side with regard to Indo-U. S. Lend-Lease, but a cent per cent agreement has been concluded without any payment to India for her favourable balance.

THE HONOURABLE SIR CYRIL JONES : (a) It is a fact that a Mission headed by Mr. Waugh was deputed to, and did in fact, negotiate an agreement between the United States of America and India in regard to the claims of the two countries arising out of Lend-Lease and Reciprocal Aid and the disposal of surplus American property in India. The intention of Government to send such a Mission was made known to the Legislature and to the public in the Budget Speech.

(b) No. For an explanation of the settlement and the facts on which it is based I would refer the Honourable Member to the Press Communique issued by Government on 31st May, 1946.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member explain how India could be plus when the agreement, as we understood it, was that they were taking advances from the Reserve Bank and making transfer to the Reserve Bank for post-armistice expenses ?

THE HONOURABLE SIR CYRIL JONES : I am afraid I did not follow the question.

THE HONOURABLE MR. HOSSAIN IMAM : May I explain ? My question is that the Government accepts that there was a plus account in favour of India with regard to U. S. A. We were given to understand during all these years, especially during the last session, that all the arrangements for American advance expenses in India were privately put through the Reserve Bank and the Reserve Bank were given dollar exchange or gold or anything they liked. Was it Government account advance that was already made ?

THE HONOURABLE SIR CYRIL JONES : This agreement does not deal with the method of financing at all. It merely deals with the question of debits and credits on account of lease-lend, reciprocal aid and the taking over in bulk of the American surpluses in this country.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will Government place on the table a statement of the main factors involved in the discussion of this question and the main items that were taken into consideration in deciding whether the U. S. owed anything to India or not ?

THE HONOURABLE SIR CYRIL JONES : The whole matter has been very fully and clearly explained in a long Press Communique issued on the 31st May, 1946 to which is attached the terms of the actual agreement itself.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member lay it on the table of the House ?

THE HONOURABLE SIR CYRIL JONES : With your permission, Sir, and if the House so desires, I am perfectly prepared to lay this Communique with its enclosure on the table of the House.

THE HONOURABLE MR. HOSSAIN IMAM : Thank you.

CIRCULATION OF MEMORANDUM ON THE FOOD SITUATION

120. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Will Government circulate annually in February or March among the members of the Central Legislature a memorandum giving full information about the food situation, covering such points as the provincial policies regarding procurement and distribution rationed areas, the extent to which ration cards are regularly used to purchase food grains by the card-holders, enforcement of the recommendations of the Food Grains Policy Committee, prices of food grains and articles required by the cultivators and adequacy of transport arrangements ?

(b) Are they aware that such a request was made during the food debate in the Council of State in November, 1944 ? If so, why has it not been complied with so far ?

THE HONOURABLE SIR PHEROZE KHAREGAT : (a) This is already being done.

(b) The answer to the first part is in the affirmative. The second part does not arise in view of my reply to (a).

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the Honourable Member know that I have repeatedly told the Food Department that they have not yet complied with the demand I made in 1944 and that the Memorandum which they supplied did not give all the information that I had asked for ?

THE HONOURABLE SIR PHEROZE KHAREGAT : If the Honourable Member will kindly bring the exact nature of the information that is required to my notice I will try and see that that information is also given.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are not the points that I have mentioned in my question specific and concrete enough ? What else does the Government want ?

THE HONOURABLE SIR PHEROZE KHAREGAT : All I can point out is that a Memorandum was circulated to Honourable Members early in this session and if that does not happen to give the exact information that is required, I will be quite happy to make good the deficiency.

THE HONOURABLE MR. G. S. MOTILAL : Will the Honourable Member himself examine that Memorandum and see where it is deficient so as to supply the information required by this question ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I am quite prepared to look into that, Sir, if it will satisfy the Honourable Member.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the Honourable Member want me to point out which of the points I have mentioned in my question have not been covered by this Memorandum ? Is the Food Department unable to and that out for itself ?

THE HONOURABLE SIR PHEROZE KHAREGAT : As I have just said, I should be perfectly happy to do so myself if that will satisfy the Honourable Member

DEFICIENCY OF FOODGRAINS.

121. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Will Government state what is the total deficiency in the country in respect of rice, wheat and other food grains respectively? What is the amount of food grains which Government expect to receive through the Combined Food Board and from other sources?

(b) What were the quantities of food grains which the Food Department proposed to send to the deficit areas and how much have they sent there?

(c) Have difficulties been experienced in some provinces in connection with the transport of food by rail? If so, what steps have Government taken to remove them?

THE HONOURABLE SIR PHEROZE KHAREGAT : (a) The estimated deficiency in respect of foodgrains in the country during 1946 was about 6 million tons. Against this deficiency a demand for 4·27 million tons was placed before the Combined Food Board. Upto the end of October we have received only 1·73 million tons of foodgrains and during November and December we expect to receive another ·55 million tons making the total for the year of 2·28 million tons.

(b) In view of the fact that the Combined Food Board and later the International Emergency Food Council have been giving to us only monthly programmes of imports from abroad instead of long term advance programmes on the basis of which we could plan supplies effectively over a long period, our allocations of quotas of foodgrains to deficit areas have had to be made for some time past on a monthly basis depending on advices of shipping and expected arrivals received from the supplying countries. There was, therefore, no definite firm programme for supply of particular quantities of foodgrains to deficit areas who have had to be informed from time to time of the supply position and whose quotas have had to be altered as the supply position varied. In addition to the imports received up to the end of October, amounting to about 1·73 million tons, supplies from internal sources of about 1·068 million tons have also been made to deficit areas in India from surplus areas in the country. This figure of 1·068 million tons includes ·622 million tons rice, ·291 million tons wheat and ·155 million tons of millets.

(c) Under present arrangements foodgrains moving under Government auspices have the highest priority on the Railways after coal and operational stores. Normally, therefore, no difficulty has been experienced in connection with the transport of food by rail. Certain difficulties were, however, experienced during the S. I. R. strike when special steps were taken to see that foodgrains movements were continued. Difficulties were also apprehended in connection with the threat of general strike some months ago and steps were taken to meet the situation which it was not necessary to put into force ultimately as luckily the threatened strike was abandoned. I may add that the Food Department maintains a Directorate of movement staffed by experienced railway officers whose object it is to remove all movement difficulties reported to them by the Provinces, in which task they have been successful.

THE HONOURABLE PANDIT HRIDAY NATH KUNZRU : With regard to part (a) of the question, why has not the Honourable Member given the figures with regard to the deficiency in rice, wheat and other foodgrains separately? I had asked for this information.

THE HONOURABLE SIR PHEROZE KHAREGAT : The total deficiency in foodgrains—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I have not asked for the total deficiency. I have asked for the deficiency in respect of rice, wheat and

of her foodgrains *respectively*. I understand that that means that the figures for each of these three categories should be given separately.

THE HONOURABLE SIR PHEROZE KHAREGAT : I am afraid that is not possible because in various places rice and wheat and other foodgrains are interchangeable and the only way in which we can tackle the matter is to try and obtain whatsoever we can get.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I am not speaking of the requirements of the people or their customary diet. All that I have asked for is what is the total deficiency in respect of rice, wheat and other foodgrains. The figures of last year could be compared with those of the previous year. Government could easily answer that question. It has got nothing to do with the habits of the people.

THE HONOURABLE SIR PHEROZE KHAREGAT : I shall try and see if it can be worked out along these lines.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member state whether maize from Argentine and rice from Indonesia were also allocated to us by the Combined Food Board, and if not what was the quantity that has been received from these two independent sources ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I am afraid, Sir, I have not got the information with me. I must ask for notice.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that while the Honourable Member said that the total deficiency in respect of foodgrains was about 6 million tons the Food Member in his broadcast a few weeks ago stated that it amounted to 7 million tons ?

THE HONOURABLE SIR PHEROZE KHAREGAT : All these figures are merely rough estimates and no one knows the exact figure.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Who gave the figure of 6 million tons to the Honourable Member and who gave the figure of 7 millions to the Food Member ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I am afraid I have no information.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the Honourable Member realise that this suggests that the Food Department should at least see that the statements made on its behalf in public, no matter who makes them, are the same ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I shall bring the matter to the notice of the Food Department.

THE HONOURABLE MR. HOSSAIN IMAM : May I know whether the gross estimate of your deficiency which you prepared was on the basis of the rationing that you have introduced or on the normal diet ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I presume that was on the basis of the normal consumption under pre-war conditions.

THE HONOURABLE MR. HOSSAIN IMAM : And what will be the reduction from that on account of rationing ?

THE HONOURABLE SIR PHEROZE KHAREGAT : I am afraid I have no information on that point.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : With regard to part (c) of the question, is the Honourable Member aware that some months ago difficulty was experienced in the transportation of food by rail in the Madras towns ?

THE HONOURABLE SIR PHEROZE KHAREGAT : If the reference is to the period during the strike on the South Indian Railway, that is a fact. There was some difficulty at that time.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I am referring to the month of June in which I do not think there was any strike.

THE HONOURABLE SIR PHEROZE KHAREGAT : I have no information on the point as to what those difficulties were.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : There were many difficulties, but in particular they related to the despatch of food to the Anantapur and Bellary districts.

THE HONOURABLE SIR PHEROZE KHAREGAT : I shall have the matter looked into.

INDIAN CIVIL SERVICE AND INDIAN POLICE

122. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) What is the policy of Government with regard to the continuance of and recruitment to the I. C. S. and I. P. ? Is it proposed to abolish these services or only to transfer control over them to the Central Government ?

(b) In either case how do Government propose to deal with the existing members of these services ?

THE HONOURABLE MR. A. E. PORTER : With regards to part (a) of the question I would refer the Honourable Member to the reply given by me to the Honourable Raja Yuveraj Dutta Singh's question No. 44 on the 12th instant.

(b) The Secretary of State has not yet formulated proposals for the winding up of the Indian Civil Service and the Indian Police. In pursuance of the conclusions reached at the Premiers' Conference recently convened by the Honourable the Home Member, the Secretary of State has been requested to expedite his proposals in this respect, to terminate forthwith his connection with these Services and to fix a very early date for this purpose. His reply is still awaited. The question of re-employing officers now in those Services will arise only after the scheme of new conditions for the services is framed.

THE HONOURABLE SIR COPALASWAMI AYYANGAR : Are Government taking steps to formulate their plans for the organisation of these services to take the place of the I. C. S. in the future ? Have they done so ?

THE HONOURABLE MR. A. E. PORTER : Yes, Sir.

THE HONOURABLE MR. G. S. MOTILAL : What about Provinces which have elected to remain outside ?

THE HONOURABLE MR. A. E. PORTER : The Provinces of Sind, the Punjab and Bengal at present have said that, although they would agree to common standards of qualification and common training, they would prefer to have their own provincial service instead of an all-India service ; and in regard to the police all the Provinces are agreed that they would like to have their own police services, but they will be recruited on common standards very much in the same way as the Indian Police is at present.

ASSOCIATED PRESS OF INDIA

123. **THE HONOURABLE MR. G. S. MOTILAL :** Will Government state what aid is given to the *Associated Press of India* by Government ? For what purpose it is given ? To what other Press Agencies aid is given, if any ?

THE HONOURABLE MR. A. E. PORTER : I presume the Honourable Member desires to know whether any subsidy is being given to the Associated Press of India and to other News Agencies. If so, the reply is in the negative.

The second part of the question does not arise.

THE HONOURABLE MR. G. S. MOTILAL : Any aid given in any other shape ?

THE HONOURABLE MR. A. E. PORTER : Government subscribe to the services of all these agencies give to the public.

THE HONOURABLE MR. G. S. MOTILAL : What do the Government pay by way of subscription ?

THE HONOURABLE MR. A. E. PORTER : Government subscribe to seven such agencies.

THE HONOURABLE MR. G. S. MOTILAL : What do they pay to this particular agency ?

THE HONOURABLE MR. A. E. PORTER : They paid to this particular agency in 1945-46 Rs. 7,680 and they paid to Reuters and the Associated Press of India combined service Rs. 61,275.

THE HONOURABLE MR. HOSSAIN IMAM : What do they pay to the other news agencies ?

THE HONOURABLE THE PRESIDENT : Order, order. The time for asking questions is over.

THE HONOURABLE MR. M. THIRUMALA ROW : I think we may be allowed to finish this question.

THE HONOURABLE MR. G. S. MOTILAL : May I ask, with your permission, Sir, whether this statement will be placed on the table of the House ?

THE HONOURABLE MR. A. E. PORTER : Sir, I have no objection whatsoever if you so desire, and if the House so desires, to place this statement on the table.

THE HONOURABLE MR. HOSSAIN IMAM : Is it a fact that additional facility is given to the Associated Press by way of teleprinters which have been handed over to it by the Posts and Telegraphs Department—which is not given to any other agency—and at a very cheap rate ?

THE HONOURABLE MR. A. E. PORTER : Sir, before the questions come to an end I would like to ensure that I have not misled the House by a careless statement. In a supplementary question to question No. 97, my Honourable friend Mr. Motilal referred to section 102 and asked whether it was a fact that the Government of India could issue a declaration of emergency. I am told that I said in answer "Yes", which, I am afraid, was a slip of the tongue. As the House knows perfectly well, the declaration of emergency is made not by the Government of India but by the Governor General in his discretion and if in fact I did say what I am alleged to have said I should not like this opportunity to go by without removing any misunderstanding which may have been caused in the minds of Honourable Members by my careless statement.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 18th November, 1946, namely :—

A Bill further to amend the Indian Tea Control Act, 1938.

A Bill to amend the Registration of Transferred Companies Ordinance, 1942.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE SIR PHEROZE KHAREGAT : (Agriculture Secretary) : Sir, I lay on the table the information promised in reply to questions Nos. 280 and 281 asked by the Honourable Raja Charanjit Singh on the 11th April, 1946.

DETERIORATION OF ATTA.

A statement is placed on the table of the House. The statement is based on information furnished by the Provincial Governments.

Statement showing the quantity of flour and atta in the custody of the Provincial Government reported to have become deteriorated and unfit for human consumption in 1944 and 1945.

(In tons.)

Name of Province.	1944		1945	
	Flour.	Atta.	Flour.	Atta.
1. Madras	<i>Nil.</i>	36	<i>Nil.</i>	1
2. Orissa	<i>Nil.</i>	<i>Nil.</i>	<i>Nil.</i>	12
3. C. P. & Berar	5	<i>Nil.</i>	0.5	<i>Nil.</i>
4. Sind	(Wheat 2224)	...	(Wheat 24)	...
5. Assam074	63.6	1.4	66.0
6. Bombay	<i>Nil.</i>	<i>Nil.</i>	6.8	<i>Nil.</i>
7. U. P.	<i>Nil.</i>	6.8	<i>Nil.</i>	38.7
8. Bengal	7596.2		7880.5	...
	(Wheat products)		(Wheat products)	
9. Delhi	53	116.9	<i>Nil.</i>	<i>Nil.</i>

DETERIORATION OF RICE.

A statement is placed on the table of the House. The statement is based on information furnished by the Provincial Governments.

Statement showing the quantity of rice in the custody of the Provincial Governments that got deteriorated and became unfit for human consumption in 1944 and 1945.

(In tons.)

Name of Province.	1944	1945
	Rice.	Rice.
1. Madras	<i>Nil.</i>	90
2. Bihar	13	1012
3. C. P. & Berar	76	2.5
4. Sind	275	<i>Nil.</i>
5. Assam	95.6	207.7
6. Bombay	25.1	7.1
7. U. P.	2.7	5.5
8. Bengal	518	3706.3

STATEMENTS, ETC., LAID ON THE TABLE

THE HONOURABLE SIR CYRIL JONES (Finance Secretary): Sir, I lay on the table the following notifications issued by the Government of India in the Finance Department (Central Revenues) under section 37 of the Central Excise and Salt Act, 1944:—

- (1) No. 3 Camp (Central Excises), dated the 9th February, 1946 ;
- (2) No. 3 Camp (Central Excises), dated the 6th April, 1946 ;
- (3) No. 6 Camp (Central Excises), dated the 20th July, 1946 ;
- (4) No. 1 Camp (Salt), dated the 2nd February, 1946 ;

- (5) No. 2 Camp (Salt), dated the 9th February, 1946 ;
- (6) No. 1 (Salt), dated the 9th March, 1946 ;
- (7) No. 2 (Salt), dated the 30th March, 1946 ;
- (8) No. 3 (Salt), dated the 1st April, 1946 ;
- (9) No. 4 (Salt), dated the 20th April, 1946 ;
- (10) No. 5 (Salt), dated the 14th September, 1946 ;
- (11) No. 6 (Salt), dated the 14th September, 1946 ;
- (12) No. 7 (Salt), dated the 14th September, 1946 ;
- (13) No. 8 (Salt), dated the 14th September, 1946 ;
- (14) No. 9 (Salt), dated the 19th October, 1946.

NOTIFICATION

CENTRAL EXCISES

No. 3—Camp, dated the 9th February, 1946—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendment shall be made in the Central Excise Rules, 1944, namely :—

In the Table set forth under sub-rule (2) of rule 176 of the said Rules for item (iii) in the second column against the entry (f) in the first column the following entries shall be substituted namely :—

“(iii) more than one hundred but not more than five hundred standard maunds	Two
“(iv) one hundred standard maunds or less	Eight annas”.

NOTIFICATION

SALT

No. 1—Camp, dated the 2nd February, 1946.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendment shall be made in the North Orissa Salt (Village Manufacture and Storage) Rules, 1943, namely :—

In sub-rule (1) of rule 10 of the said Rules, for the word “contractor” the words “Government if Orissa” shall be substituted.

NOTIFICATION

SALT

No. 2—Camp, dated the 9th February, 1946—In exercise of the powers conferred by clause XVII of sub-section (2) of section 37 of the Central Excise and Salt Act, 1944 (I of 1944), and in supersession of the notification of the Government of India in the Finance Department (Central Revenues) No. 27-Salt, dated the 1st October, 1927, the Central Government is pleased to remit the duty imposed under sub-section (i) of section 3 of the said Act, on salt manufactured in or imported by sea or land into the Province of Bombay, when such salt is used within the said Province or with the special approval of the Central Government in any other place, for any industries purpose other than the preparation of refined salt or as an ingredient or preservative in any article of food or drink subject to the following rules :—

1. Any person intending to use salt in an industrial process (hereinafter referred to as the manufacturer) and wishing to be admitted to the concession shall make an application to the Collector of Central Excise, Bombay, stating the process of manufacture in which he intends to use the salt and the approximate quantity of salt required in the year. If he wishes the concession to extend to more than one factory or works, a separate application must be made for each such factory or works, even if they are situated in the same premises.

2. Any person having his factory or works in an Indian State adjoining the territorial jurisdiction of the Collector and intending to use salt manufactured in or imported by sea or land into the Province of Bombay shall submit his application to the Collector through the Political Officer of the State concerned and all such applications shall be referred by the Collector of the Central Government for sanction.

3. The Central Government or the Collector while sanctioning an application may, if necessary, fix the maximum quantity of salt upto which refund of duty may be allowed in a year. The sanctioning authority may fix different maximum limits for different factories or works run by a manufacturer. The limit so fixed may be varied from time to time by the sanctioning authority.

4. If the application is sanctioned, the manufacturer shall forthwith execute and lodge with the Chief Accounts Officer, Central Excise Collectorate, Bombay, an agreement in Form B appended to these rules. He shall also pay to the aforesaid Collector a supervision fee of Rs. 100 to cover the cost of inspection and any other departmental expenses involved. Provided that if the concession is granted after six months of a financial year have expired, the supervision fee payable for the said year shall be Rs. 50 and that if the full annual fee of Rs. 100 has been paid and a concession is surrendered before the expiry of six months of a financial year or in the case of a new grantee, within six months of the grant, Rs. 50 shall be refunded.

5. The rebate of duty will be allowed on salt used on and from the date of payment of the supervision fee into the Treasury or from the date of execution of the agreement whichever is later.

6. After the execution of the agreement, the manufacturer shall in the first instance provide himself with duty paid salt either from (1) a Government salt-store, or agency depots in Gujarat or (2) a licensee of a private salt-works or (3) a firm of salt dealers approved by the Collector of Central Excise, Bombay. At the close of each quarter the manufacturer shall submit an application for the refund of duty on the salt used, supported by the receipt in Form C of the firm of approved salt dealers or the agency depot from which salt has been purchased or by the salt removal permit in Form D in the case of salt obtained from a licensee of a private salt-works or by the certificate in Form E in the case of salt obtained from a Government Salt-store. Forms "C", "D" and "E" are appended to these rules.

7. No refund of duty shall be allowed unless an application for such refund reaches the officer of the Central Excise Collectorate appointed in accordance with rule 10 below, within three months of the close of the relevant quarter.

8. For the purpose of these rules, duty on salt purchased in the market shall be deemed to have been paid at the rate in force on the date of purchase.

9. (1) The application for the refund of duty shall contain the following particulars:—

(i) The balance of salt in store at the beginning of the quarter.

(ii) The quantity of salt purchased during the quarter.

(iii) The quantity of salt used during the quarter, and the quantity on which a refund duty is applied for;

(iv) The balance of salt in hand at the close of the quarter;

(v) The quantity, weight and such other details of products manufactured during the quarter as may be required by the Assistant Collector of Central Excise of the sub-division hereinafter referred to as the Assistant Collector.

(vi) A declaration stating the product manufactured and the name and situation of the factory or works, and that the salt on which a refund is applied for has been used *bona fides* by the applicant in the process of manufacture of such product at such factory or works.

(2) The particulars entered in accordance with clauses (i), (ii), (iii) and (iv) of sub-rule (1) shall distinguish between salt on which duty has been paid, or is deemed under rule 8 to have been paid, at different rates.

10. The application for the refund of duty shall be sent to the officer of the Central Excise Collectorate appointed in this behalf who shall after verifying the figures forward it to the aforesaid Assistant Collector for disposal.

11. The manufacturer shall provide and set apart, for the storage of the salt purchased for use in the factory, a store-room which shall be to the satisfaction of the Assistant Collector, securely constructed and fitted with a strong door capable of being locked. Salt manufactured in the Province and salt imported shall be stored separately in the store-room, as also shall salt on which duty has been paid or is under rule 8 deemed to have been paid at different rates.

12. Each consignment of salt procured under this concession shall be stored separately in the store-room and distinctively marked, and the applicant shall not use any goods from any such consignment until all the salt previously procured has been expended and entered as expended in his accounts.

13 (1). The store-room shall not be opened except between the hours of sunrise and sunset and then only for one of the following purposes namely:—

(a) for the receipt of salt into the store,

(b) for the preparation by grinding or for the issue of salt required for purposes connected with manufacture,

(c) to allow the stock of salt to be checked by weighing or otherwise by officers of the Central Excise Collectorate.

(2) The store-room shall not be opened except by or in the presence of the Manager of the factory or the store-keeper of the factory; the latter shall retain the key of the store-room in his own possession provided that when the store-keeper is away from the premises of the factory or works, he shall leave the key with the Manager.

(3) The key of the store-room shall be available at the premises of the factory to facilitate inspection of the store-room by the officer of the Central Excise Collectorate, Bombay, not below the rank of Range Officer, at any time between the hours of sunrise and sunset, failing which the

manufacturers shall be liable to a fine not exceeding rupees one hundred for each occasion the inspecting officer has to return without being able to inspect the store-room.

14. All spent-lye or other useless refuse containing salt shall be effectually destroyed on or near the premises in such manner as the Collector of Central Excise, Bombay, may direct.

15. The factory or works may be entered and examined at any time by any officer of the Bombay Central Excise Collectorate not below the rank of a Range Officer authorised by the Assistant Collector, or by any officer of the Central Excise Collectorate of a province other than Bombay who may be especially empowered in this behalf by the Central Board of Revenue or by an officer of the Baroda State empowered in this behalf by the Darbar in respect of factories or works situated within that States, and due facilities for examining the manufacturers salt register as well as for checking the stock of salt received, expended and in hand, shall be afforded by the Manager and all servants of the manufacturer. Salt shall be stored in the bags in which it is received from the salt-works or depot and the bags shall be arranged in tiers so as to facilitate checking and weighment.

16. The register referred to in rule 15 shall be written up daily and signed by the Manager or Store-keeper and shall be in Form A hereto annexed. Separate register shall be maintained for salt manufactured in the Province of Bombay and for imported salt.

17. The Manager of the factory shall furnish the Assistant Collector through the officer of the Central Excise Collectorate appointed by him for the purpose with a monthly statement to be posted by the 10th of each following month, showing the opening balance of salt at the beginning of the month, the quantity purchased during the month, the quantity expended during the month, the balance at the close of the month and the weight or quantity or other particulars required by the Assistant Collector of the production during the month of the article for which the salt was used. The manufacturer's book showing the weight or quantity of the article dealt with and of the product manufactured shall be open at any time to the inspection of any officer of the Central Excise Collectorate not below the rank of a Range Officer.

18. (i) On any breach of these rules by the manufacturer, or there being reason to believe that the concession of rebate of duty on the salt used by the said manufacturer is being otherwise abused, the Collector shall be competent to impose a preventive establishment at the cost and expense of the manufacturer, or to cancel or withdraw the concession granted under these rules, and to forfeit the amount of inspection fee deposited for the year, and the manufacturer shall on demand refund all duty, the remission of which shall have been wrongfully claimed and sanctioned.

Provided that in the case of persons to whom the concession has been granted by the Central Government under rule 2 of these rules, the Collector shall obtain the Central Government's previous approval before taking any action under this clause.

(ii) The manufacturer shall also be responsible for any loss or damage that may be occasioned by the breach of rules referred to in clause (i) above.

19. Any person who may be dissatisfied with an order passed by the Assistant Collector under these rules may appeal to the Collector of Central Excise, Bombay, and any person who may be dissatisfied with an order passed by the Collector of Central Excise, Bombay, under these rules may appeal to the Central Board of Revenue.

FORM "A"—SALT REGISTER

(See rule 16.)

Register of salt purchased, expended and in store together with the weight or quantity of products manufactured.

Date	Opening balance of salt	Quantity of salt received into Store	Total quantity of salt in hand	Quantity of salt used and expended	Closing balance of salt	Quantity or weight of products manufactured	Manager's signature	Re-marks
1	2	3	4	5	6	7	8	9

FORM "B"

Agreement—(Rule 4)

AN AGREEMENT made the _____ day of _____
 BETWEEN _____ carrying on the trade or business
 of _____ at _____ under
 the name and style of _____ (hereinafter referred to as "the manufac-
 turer" which expression shall unless excluded by or repugnant to the context include his heirs

executors, administrator and assigns) of the one part and the Governor-General in Council (hereinafter referred to as "the Governor-General" which expression shall unless excluded by or repugnant to the context include his successors in office and assigns) of the other part.

WHEREAS the manufacturer has applied to the Governor-General for remission of the duty on salt used in the manufacture of

AND

WHEREAS the Governor-General has agreed to grant the said application in consideration of the manufacturer executing these presents and performing and observing the conditions hereinafter mentioned NOW IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS :—

(1) The manufacturer shall be bound by and observe the rules for the time being in force for the remission of duty on salt issued for industrial purposes.

(2) The salt in respect of which a refund is claimed shall *bona fide* have been used for the purposes of in the manufacturer's factory at and shall not at any time be used for any other purpose.

(3) The manufacturer shall pay the sum of one hundred rupees (Rs. 100) on 1st April every year to the Central Excise Collectorate, Bombay, to cover the costs of inspection and other departmental expenses at such time and place and in such manner as the Collector of Central Excise, Bombay, may prescribe in this behalf.

Provided that if the manufacturer be admitted to a concession both in regard to imported salt and also in regard to manufactured salt, not more than a single such fee of Rs. 100 shall be payable for each factory at work.

Provided that if the concession is granted after six months of a financial year have expired, the supervision fee payable for the said year shall be Rs. 50 (Fifty only) and that if the full annual fee of Rs. 100 (one hundred only) has been paid and the concession is surrendered before the expiry of six months of a financial year or, in the case of new grantee within six months of the grant Rs. 50 (fifty only) shall be refunded.

(4) If in the opinion of the Governor-General any default in the performance of or breach of the conditions herein contained and on the part of the manufacturer to be performed and observed has occurred the Governor-General may require as a condition of the continuance of this agreement that the manufacturer shall in addition to the moneys payable under clause 3 pay such further sum as may be fixed by the Governor-General for the maintenance of a preventive establishment at the aforesaid factory and that the manufacturer shall refund any duty remitted for any quarter in which such breach or default shall have occurred or continued.

(5) On the determination of this agreement under the provisions of clause 4 the manufacturer shall not be entitled to any refund for the quarter in which such determination shall have occurred, and shall be bound to refund any duty remitted for any quarter in which any breach or default as aforesaid shall have occurred or continued and shall be responsible for any loss or damage incurred by reason of any breach or default as afore-said.

The manufacturer performing and observing the conditions of this agreement, shall be entitled to a refund of salt duty to the extent and in the manner and on the conditions prescribed in the aforesaid rules for such period as the Governor-General shall choose to continue this concession.

IN WITNESS WHEREOF the said manufacturer hath hereunto set his hand and the Collector of Central Excise, Bombay, hath by order of the Honourable the Governor-General in Council set his hand and the seal of his office the day and yet first above written.

Signed by

Esquire,

in the presence of

1.

2.

Signed, sealed and delivered by

Esquire,

Collector of Central Excise, Bombay, for and on behalf of the Governor-General in Council in the presence of

1.

2.

COUNCIL OF STATE
FORM "C"

[19TH Nov. 1946]

Form of Receipt in case of salt purchased from a firm of approved dealers or agency depot.

(Rule 6)

Received from _____ the sum of Rs. _____ in payment for
maunds of full duty paid salt purchased for use in his/their factory at _____

Date _____ Signature of Approved Dealer/Agent _____ Depot.

FORM "D"

Form of permit in case of salt obtained from private salt-works

(Rule 6)

Mr./Messrs. _____ concessionarie(s) is/are permitted to
remove _____ maunds of salt from salt-works for use in his/their factory at _____

Date _____ Divisional Officer.

FORM "E"

Form of certificate in respect of salt obtained from Government salt-stores.

(Rule 6.)

Certified that wagon(s) (_____ maunds) of salt has/have been
cleared on _____ against indent No. _____ dated _____
placed by Mr./Messrs. _____ concessionarie(s) at the
treasury. _____

Date _____ Officer in charge of the salt-store.

NOTIFICATION

SALT

No. 2, dated the 30th March, 1946.—In exercise of the powers conferred by clause (xvii) of sub-section (2) of section 37 of the Central Excises, and Salt Act, 1944 (I of 1944), the Central Government is pleased to remit the duty imposed under sub-section (1) of section 3 of the said Act on salt obtained by the Director of Fisheries, Orissa, or by any officer authorised by him in this behalf, from any salt factory or depot in the Province of Orissa for use in any fish-curing yard controlled by the Fisheries Department of the Government of Orissa.

NOTIFICATION

CENTRAL EXCISES

No. 3, dated the 6th April, 1946.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendment shall be made to the Central Excise Rules, 1944, namely:—

To sub-rule (1) of rule 181 of the said Rules, the following shall be added:—

"or has been convicted of an offence under section 181, read with section 109 or with section 116 of the Indian Penal Code".

NOTIFICATION

CENTRAL EXCISES

No. 6, dated the 20th July, 1946.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely:—

A. In the said Rules:—

I. In rules 58, 60 and 61, for the words "splints and veneers", wherever they occur, the words "splints, veneers and composition for match head" shall be substituted.

II. In clause (a) of sub-rule (1) of rule 174, for the words "and of splints and veneers", the words "splints, veneers and composition for match heads" shall be substituted.

III. To item 2 of the Table annexed to rule 176, the following shall be added, namely:—

"(c) composition for match heads.....one hundred".

B. In Appendix I to the said Rules, in Form R.G.2 (Central Excise Series No. 39)—

(a) for the words "splints and veneers", wherever they occur, the words "splints, veneers and composition for match heads" shall be substituted, and

(b) for the word "Timber", the words "Timber/Composition for match heads" shall be substituted.

NOTIFICATION

SALT

No. 1, dated the 9th March, 1946.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944, (I of 1944), and in supersession of the notification of the Government of India in the Finance Department (Central Revenues) No. 5—Salt, dated the 14th February 1942, the Central Government is pleased to make the following rule—

Rule

Within the districts in Orissa to which section 37(2) (xix) of the Central Excises and Salt Act, 1944 (I of 1944) applies the transport of salt in excess of one maund in weight from any of the areas specified in the annexed Schedule into or over any part of the said districts other than the said areas is prohibited unless satisfactory proof—

(i) of the payment of duty has been adduced

or

(ii) is forthcoming that the salt in question is being transported to a ware house or 'hat' depot in accordance with the rules prescribed in the North Orissa Salt (Village Manufacture and Storage) Rule, 1943.

Schedule

Area lying in District—

1. *Cuttack.*—

- (a) Union No. VII of Balikude Police Station.
- (b) The whole of Essama Police Station, except Union No. I.
- (c) Union Nos. V and VI of Tirtole Police Station.
- (d) The whole of Mahakalapara Police Station.
- (e) Union Nos. V viz., VII of Pattamundai Police Station.
- (f) Union Nos. IV, V, VI, VII, VIII of Patkura Police Station.
- (g) Union Nos. V and VI of Kendrapara Police Station.
- (h) Union No. XX of Jaipur Police Station.
- (i) Union No. IX of Aul Police Station.
- (j) The whole of Rajanagar Police Station.

2. *Balasore.*—

- (a) Union Nos. III, IV, and V of Baliapui Police Station.
- (b) Union Nos. I, II, III, IV, V and VI of Bhograji Police Station.
- (c) Union No. VI of Basta Police Station.
- (d) Union No. V of Singla Police Station.
- (e) Union Nos. VI and VII of Soro Police Station.
- (f) The whole of Chandbali Police Station.
- (g) The whole of Basudebpur Police Station except Union No. II.
- (h) Union Nos. VII, VIII, IX and X of Balasore Police Station except the area licensed for the manufacture of salt to the Utkal Salt and Chemical Works, Limited, described in detail in Appendix 'A' annexed hereto.

3. *Puri.*—

- (a) The whole of Krishna Prasad Police Station except the area licensed for the manufacture of salt to Messrs. National Chemical and Salt Works (India), Limited, described in detail in Appendix 'B' annexed hereto.
- (b) The whole of Kakatpur Police Station except the area licensed for the manufacture of salt to the Astarang Salt Manufacturers' Co-operative Society described in detail in Appendix 'C' annexed hereto.

(c) Union Nos. XI, XII, XIII and XIV of Nimapara Police Station.

(d) The whole of Gope Police Station excepting the portion lying to the west of the road leading from Puri to Gope.

(e) The whole of Brahmagiri Police Station excepting Union Nos. IV and VIII and the area licensed for the manufacture of salt to (i) Bhuyan Shyam Sundar Mahapatra and (ii) Dr. Atal Behari Acharya described in detail in Appendices 'D' and 'E' respectively annexed hereto.

(f) The portion of Union Nos. IV, V, VI and VII of Banapur Police Station lying between Chilka Lake and the Bengal Nagpur Railway Line.

(g) The portion of Union Nos. I, II, III, IV and V of Tangi Police Station lying between Chilka Lake and the Bengal Nagpur Railway Line.

APPENDIX "A"

Where situated		Area			
Name of Factory	Village	Police Station etc.	Plot No.	Area	Limits (Boundaries)
1	2	3	4	5	6
Talpada	Talpada	Police Station—	From 682	8.70	North-Plot Nos. 674, 676.
		Balasure	From 638	16.54	
The Utkal Salt and Chemical Works, Ltd.	District—Balasure		716 0.07		East—Orissa Coast Canal.
			715	13.35	
			From 681	35.40	South—Plot Nos. 540, 541.
			683	0.39	
			686	7.05	West—Portion of Plot No. 638.
			Total	81.50	Acres.

APPENDIX "B"

Where situated		Area			
Name of the Factory	Village	Police station etc.	Plot No.	Area	Limits (Boundaries)
1	2	3	4	5	6
National Chemical Salt works (India), Ltd.	Khatisahi	Revenue Thana No. 312			
		Paragana-Parikud			
		Police Station—			
		Krishna-Prasad	125	0.26	}
			127	0.19	
			128	1.26	
			129	1.15	
			130	1.57	

APPENDIX "B" (Contd.).

1	2	3	4	5	6
			131	1.69	East—13 and 126 of Khatisahi Mouja and Chilka Lake. South—298, 297, 281, 280, 279, 278, 277, 276/610, 276, 275, 274 of Gurubai Mouja. West—163, 122, 123, 124 of Khatisahi Mouja. North—Khatishahi, Plot Nos. 13 and 126. Chilka Lake. East—Chilka Lake. South—513 (Pada), 515. West—518, 420, 335, 332, 331, 268, 609, 177, 176, 168, 167, 166, 165, 623/163, 163 (all of Gurubai Mouza), 118, 122, 123, 124 (all of Khatisahi Mouza).
			132	0.83	
			133	0.73	
			134	1.00	
			135	0.48	
			136	0.99	
			137	3.72	
			138	0.49	
			139	0.87	
			140	0.24	
			141	1.31	
			142	1.65	
			269	0.84	
			270	0.79	
			271	0.80	
			272	0.70	
			273	0.63	
			274	1.08	
			275	2.84	
			276	0.81	
			276/610	0.64	
			277	0.79	
			278	0.68	
			279	1.46	
			280	0.98	
			281	0.91	
			282	0.83	
			283	0.69	
			284	0.51	
			285	0.61	
			286	0.53	
			287	0.75	
			288	0.74	
			298	0.73	
			299	0.44	
			454	1.14	
			455	1.40	
			456	0.99	
			457	0.51	
			458	0.35	
			459	0.97	
			460	2.13	
			300	1.78	
			301	0.97	
			302	1.13	
			303	0.96	

Name of Factory	Where situated			Area				Limits (Boundaries)	
	Village	Police Station etc.	Plot No.	Area	Plot No.	Area	Plot No.		
1	2	3	4	5	6	7	8	9	10
National Chemical and Salt Works (India) Ltd.	Khatisahi	Revenue	043	2.04	461	1.14	446	7.53	Total 230.27
		Thana	305	1.64	462	1.20	447	0.57	
		No. 312	303	0.97	463	0.85	448	1.77	
		Paragana	307	0.63	464	1.07	449	1.52	
		Parikad	308	0.70	465	0.24	450	2.06	
		Police Station	309	5.08	466	0.26	451	1.29	
		Krishna	310	5.02	467	0.41			
		Prasad.	311	1.87	468	0.20			
			312	1.71	469	0.46			
			313	1.54	470	0.35			
			314	1.04	471	0.67			
			315	1.05	472	0.94			
			316	1.64	473	0.83			
	317	1.22	474	0.84					

1	2	3	4	5	6	7	8	9	10
				318	1.17	475	1.02		
				319	0.98	483	0.56		
				320	0.60	484	1.24		
				330	0.91	485	0.08		
				421	0.65	486	1.23		
				422	1.32	487	4.33		
				476	0.91	488	2.59		
				477	1.61	489	1.22		
				478	1.02	490	0.03		
				479	1.56	491	1.76		
				480	1.61	492	1.00		
				481	1.52	493	3.55		
				482	0.55	494	3.28		
				423	3.13	495	2.73		
				424	3.79	496	1.87		
				425	1.79	497	1.79		
				426	1.44	505	2.36		
				427	2.42	506	1.46		
				428	1.29	507	1.36		
				429	1.24	508	1.48		
				430	1.16	509	0.78		
				431	1.00	510	0.63		
				432	7.21	511	1.38		
				433	1.40	512	2.51		
				434	4.11	289	0.65		
				435	2.61	290	0.65		
				436	1.19	291	0.73		
				437	2.02	292	0.64		
				438	3.95	293	0.94		
				439	0.52	294	1.08		
				440	3.05	295	1.43		
				441	1.41	296	1.24		
				442	0.50	297	1.58		
				442/					
				632	0.38	321	0.87		
				452	1.20	322	0.69		
				453	1.29	323	1.56		
				490	0.92	324	1.37		
				499	2.02	325	0.76		
				500	2.14	326	1.20		
				501	1.78	327	1.17		
				502	1.03	328	1.57		
				503	1.14	329	0.29		
				504	1.14	443	0.38		
						444	4.08		
						445	0.69		

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APPENDIX "C"

Name of Factory	Where situated			Area			Limits (Boundaries)
	Village	Police Station etc.	Plot No.	Area	Plot No.	Area	
1	2	3	4	5	6	7	8
Astarang	Astarang	Revenue Thana No. 191 Pargana- Astarang Police Station Kakatpur District Puri.	1077 1078 Portion	1.40 0.44			North—Plot No. 1068. East—Plot Nos. 1071 1072, 1076, 1081. South—Plot Nos. 1080, Portion of 1078. West—1039.
			1199	2.60			North—Plot No. 1118 East—Village Road adjoining to Plot Nos. 1020, 1198, 1197.

1	2	3	4	5	6	7	
							South—Portion of Plot Nos. 1199, 1307, 1398, 1399
							West—Plot Nos. 1200, 1201, 1202
Astarang— contd.	Astarang— contd.	Revenue Thana No. 191— contd.	1585 1586 1587 1594 1595 1596 2102 2103 2104 2105 2106 2107 2108 2109	0.25 4.80 6.00 1.18 4.20 6.03 0.25 2.15 0.50 0.50 8.10 0.47 0.45 12.30	2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2119/ 2142 2120 2121 2119/ 2149	1.10 24.10 0.85 10.70 0.46 1.90 8.40 0.17 1.31 1.87 4.63 0.44 2.10 1.87	North—Plot Nos. of Village Astarang :— Portion of 1587 Portion of 1596 1904, 1934, 1935, 1938, 1939, 1944, 1945, 1946, 1951, 2101, 2100, 2099, 2098, 2097, 2094, 2093, 2091, 2090, 2089, 2088, 2087, 218, 2068. Plot Nos. of Vil- lage Damsun 1 6, 7, 8.
	Timor	Revenue Thana No. 189.	28 35 130 132 159 160 161 163 179 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199	3.74 14.58 0.52 0.74 0.95 0.63 0.21 0.78 8.80 1.64 7.65 3.51 7.60 4.68 1.97 8.25 0.60 0.96 0.42 0.38 0.76 0.83 18.65 0.64 1.72 8.14 4.43 0.44	200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 225 211/ 227 210/ 228 219/ 237	4.44 0.50 7.26 2.20 0.47 0.04 4.25 9.52 4.91 11.62 11.80 7.82 0.09 2.82 1.52 2.43 0.64 14.20 0.84 20.35 35.70 8.86 0.30 12.85 1.63 2.56 10.90 7.55	East—Plot Nos. of Village Damsun :— 12, 13, 37, 36, 44, 43, 40, 41, 48, 51, 52, 53, 112, 810, 117, 118, 119, 120, 156, 157, 158, 159, 564, 354, 353, 770, 352, 767, 360, 361, 362, 391, 398, 399, 400, 401, 402, 410, 415, 416, 420, Plot No. 224 of Village Timor, South—Plot No. 226 of Village Timor. West— Plot Nos. of Vil- lage Timor :— 173, 177, 178, 176, 162, 129, 127, 126, 131, 123, 133, 134, 135, 158, 73, 72, 63, 62, 61, 39, 38, 86, 34, 33, 32, Portion of Plot No. 28, 6, 4, Plot Nos. of Vil- lage Astarang 1584, 1583, 1588 1589 (Portion).
	Damsun	Revenue Thana No. 190,	9 10 11 38 39 328 329 330 331 332 333 334 335 336 337	1.57 0.28 2.01 0.28 5.08 21.58 0.41 0.02 0.11 0.04 23.00 0.19 2.57 0.17 9.70	339 340 341 342 343 344 345 346 347 348 349 350 351 420	1.61 2.64 5.36 2.42 23.70 0.62 1.20 0.40 0.88 0.64 6.74 11.90 9.16 2.60	From

	2	3	4	5	6	7	8
			338	2.60	574 808	5.38 0.80	
Astarang Timor —concl.	Revenue		74	1.18			North—Plot No. 73.
	Thana		76	1.00			East—Plot No. 73, 158.
	No. 189.		76	1.22			South—Plot No. 92, 153, 154, 157.
			77	2.00			West—Plot No. 80, 81, 84, 88 and Badanal Pada No. 187.
			78	0.39			
			79	0.27			
			155	0.36			
			156	2.20			
					Total	566.09	

APPENDIX "D"

Name of Factory	Where situated		Area				Limits (Boundaries)
	Village	Police Station etc.	Plot No.	Area	Plot No.	Area	
1	2	3	4	5	6	7	8
Tua I	Tua	Revenue	77	0.011			North—Plot Nos. 37 238 (Portion), 167, 166/2, 164, 165, 160 161, 89, 64.
		Thana No.	78	0.006			
		302 Touzi	79	0.006			
		No. 50	80	0.006			
		Police	81	0.006			
		Station-	82	0.006			
		Brahmagiri	83	0.005			
		District	84	0.006			East—Plot Nos. 76/1, 157, 193, 177, 176, 175, 172, 489, 487.
		Puri.	85	0.005			
			86	0.005			
			87	0.006			
			88	0.797			South—Sedua River.
		From					
			76	0.231			
			163	0.010			West—Plot No. 33.
			166	3.158			
			168	0.200			
			170	1.897			
			171	154.079			
			169	62.968			
			173	0.018			
			36	2.010			
			37	58.877			
			174	0.865			
			34	0.474			
			38	0.560			
			35	81.914			
		Total		368.126			

APPENDIX "E"

Name of Factory	Where situated		Area				Limits (Boundaries)
	Village	Police Station etc.	Plot No.	Area	Plot No.	Area	
1	2	3	4	5	6	7	8
Tua II	Tua	Revenue	73	0.006			North—Sarkari. Out- side Chilka, Plot Nos. 160, 54. East—Plot Nos. 168, 173, 166/1, 163, 157, 160. South—Plot Nos. 37/ 1, 169, 38. West—Plot Nos. 33, 32, 29, 31, Kainch- pur Nala.
		Thana No.	74	0.004			
		302 Touzi	75	0.030			
		No. 50	76	1.057			
		Police	164	0.015			
		Station-	165	0.017			
		Brahmagiri	166	3.135			
		Dist. Puri.	167	62.806			
			168	0.200			
			38	0.839			
			37	57.197			
			34	0.474			
			39	260.294			
Total				386.074			

NOTIFICATION

SALT

No. 3, dated the 1st April, 1946.—In exercise of the powers conferred by sub-section (1) read with clause (XVII) of sub-section (2) of section 37 of the Central Excises and Salt Act, 1944 (II of 1944), the Central Government is pleased to make the following rule, namely:—

Rule

Salt removed from saltpetre refineries in the Punjab, the United Provinces, Bihar, Orissa, Delhi or Ajmer-Merwara, is hereby exempted from the duty imposed on salt by section 3 of the Central Excises and Salt Act, 1944, (I of 1944) read with section 2 of the Indian Finance Act, 1946—

(a) in the case of sitta (i.e. impure salt unfit for human consumption, to the extent of one rupee and eight annas per standard maund ;

(b) in the case of salt other than sitta, to the extent of one Rupee and one anna per standard maund.

NOTIFICATION

SALT

No. 4, dated the 20th April, 1946.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Finance Department (Central Revenues) No. 1—Salt, dated the 9th March, 1946, namely:—

In the said Notification, in column 1 of Appendix 'D' for the word and figure "Tua I" the words "Mahapatra Salt Factory" shall be substituted.

NOTIFICATION

SALT

No. 5, dated the 14th September, 1946.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following amendment shall be made in the rule

published with the notification of the Government of India in the Finance Department (Central Revenues), No. 2—Camp/Salt, dated the 9th February 1946, namely :—

In sub-rule (3) of rule 13 of the said Rules for the words "between the hours of sunrise and sunset" the words "during the normal working hours of the factory on working days" shall be substituted.

NOTIFICATION

SALT

No. 6, dated the 14th September, 1946.—In exercise of the powers conferred by clause (xvii) of sub-section (2) of section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the Finance Department (Central Revenues) No. 1—Salt, dated the 12th January 1935, namely :—

In sub-rule (3) of rule 8 of the said Rules, for the words "between the hours of sunrise and sunset", the words "during the normal working hours of the factory or works on working days" shall be substituted.

NOTIFICATION

SALT

No. 7, dated the 14th September, 1946.—In pursuance of the notification of the Government of India in the Finance Department (Central Revenues), No. 3—Salt, dated the 25th March 1939, and of item No. 25(2) of the First schedule to the Indian Tariff Act, 1934 (XXXII of 1934), the Central Board of Revenue, with the previous sanction of the Central Government, hereby directs that the following further amendment shall be made in the rules published with its notification No. 5—Salt, dated the 25th March 1939, namely :—

In sub-rule (3) of rule 6 of the said Rules, for the words "between the hours of sunrise and sunset", the words "during the normal working hours of the factory on working days" shall be substituted.

NOTIFICATION

SALT

No. 8, dated the 14th September, 1946.—In exercise of the powers conferred by clause (xvii) of sub-section (2) of section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendment shall be made in the Rules published with the notification of the Government of India in the Finance Department (Central Revenues), No. 5—Salt, dated the 4th February 1928, namely :—

In sub-rule (3) of rule 6 of the said Rules, for the words "between the hours of sunrise and sunset", the words "during the normal working hours of the factory or works on working days" shall be substituted.

NOTIFICATION

SALT

No. 9, dated the 19th October, 1946.—In exercise of the powers conferred by clause (xvii) of sub-section (2) of section 37 of the Central Excises and Salt Act, 1944 (I of 1944), and in supersession of the notifications of the Government of India in the Finance Department (Central Revenues), Nos. 6—Salt and 7—Salt, dated the 7th March 1942, the Central Government is pleased to exempt from the payment of the duty leviable under sub-section (1) of section 3 of the said Act, salt manufactured in the Province of Madras, and exported by sea or by land to the States of Travancore and Cochin, subject to the following rules namely :—

Rules

GENERAL

(1) The salt shall be carried in sealed bags and weighed on arrival.

(2) No allowance shall be made for wastage in transit. Single duty at the rate in force in British India shall be levied on all short deliveries, the duty so collected being credited to the State concerned.

(Exports by sea)

(3) Where salt is exported by sea—

(i) the procedure laid down in the Madras Salt Transport Rules, 1943, shall be followed except that the duty shall not be pre-paid by the exporter who shall execute a bond for an amount equal to single duty, and

(ii) the salt shall not be landed at any place other than the specified destination in the state

DEFENCE CONSULTATIVE COMMITTEE

THE HONOURABLE THE PRESIDENT: With reference to the announcement made by me on the 15th November, 1946 regarding nominations to the Defence Consultative Committee I have to announce that the Honourable Mr. Kfirshid Ali Khan has since withdrawn his candidature and that the following members have been duly elected to that Committee:—

1. Brigadier the Honourable Sir Hissam-ud-din Bahadur.
2. Lt. Col. the Honourable Sir Buta Singh.
3. The Honourable Mr. Hossain Imam.
4. The Honourable Pabdit Hirday Nath Kunzru.
5. The Honourable Mr. V. V. Kalikar.
6. Flt.- Lt. The Honourable Rup Chand.

FOREIGNERS BILL

THE HONOURABLE MR. A. E. PORTER (Home Secretary): Sir, the motion standing in my name is:—

“That the Bill to confer upon the Central Government certain powers in respect of foreigners as passed by the Legislative Assembly, be taken into consideration.”

The measure which, Sir, I am commending to the approval of the House is a small measure and it can be described appropriately as being not so much new legislation as continuing and consolidating legislation. It is based on the Foreigners Act, 1864, which is a somewhat antiquated Act and the main provisions of which come into effect only in an emergency. Even in times of an emergency those provisions have been proved to be inadequate. In 1939, a Foreigners Ordinance was passed to fill up the gaps which existed in the law as it then stood. That Ordinance had a life of only six months and when it expired it was replaced by an Act of this Legislature—the Foreigners Act, 1940. It was then thought that it was desirable to bring the law relating to foreigners up-to-date but for reasons which I need not go into it was decided that legislation, which even then it was considered appropriate to look upon in the light of permanent legislation, should be treated as emergency legislation only and it was given a life extending only to six months after the end of the war. When that Act expired it was extended by an Ordinance and what I am asking the House to approve of is an Act to replace the Foreigners Act of 1940 as a permanent measure on the Statute Book.

I think, Sir, that everything that is necessary to satisfy the interest of this House in the Bill has been stated in the Statement of Objects and Reasons. The present Bill confers upon Government power to make orders regulating the entry and departure of foreigners and their stay in the country, to provide for their eviction to ensure their compliance with restrictions on their residence and movements, to call upon them to execute a bond and in the last resort to arrest and detain or confine them. It makes provisions under which arrangements can be made for the segregation of foreigners, if necessary, in internment or parole camps and for dealing with “internees” with what have come to be known as “paroles” and what I am glad to see in the present law are described as persons on “parole”. It prohibits the change of name of a foreigner without authorisation and it makes it an offence for a foreigner, after the Act comes into force, to conduct business or trade under any name other than that under which that business or trade was conducted before the Act came into force. It lays certain duties upon masters of vessels and pilots of aircraft and upon keepers of hotels and boarding houses to furnish prescribed information in respect of foreigners, and it creates an obligation upon the foreigner himself to furnish the master, or pilot, or the keeper of a hotel or boarding house, with information which

[Mr. A. E. Porter.]

is required in order to enable him to discharge that duty. It provides for the determination of nationality in the case of "stateless" persons and persons of dual nationality there who may be thought to have lost their nationality or origin in the course of time, and it continues the provision which was in existence in 1864, throwing the burden of proof upon a foreigner of establishing that he is not a foreigner if he so claims. Generally, it also gives power to Government to give effect to orders which may be legally passed and to delegate its authority.

That, Sir, is the extent of the provisions in this Bill which, I think, the House will agree is a necessary measure and which I commend to their acceptance.

Sir, I move.

THE HONOURABLE THE PRESIDENT : Motion made :—

"That the Bill to confer upon the Central Government certain powers in respect of foreigners as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clauses 2 to 17 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. E. PORTER : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The Motion was adopted.

SPECIAL TRIBUNALS (SUPPLEMENTARY PROVISIONS) BILL.

THE HONOURABLE MR. L. J. D. WAKELY (Nominated Official) : Sir, I have to move.—

"That the Bill to make certain provisions in relation to sentences and orders passed by Special Tribunals constituted under the Criminal Law Amendment Ordinance, 1943, on such Tribunals ceasing to function, as passed by the Legislative Assembly, be taken into consideration.

There is very little to be said about this Bill beyond what is stated in the Statement of Objects and Reasons. Seven Tribunals were constituted under the Criminal Law Amendment Ordinance, 1943, to try various cases involving frauds on the Government. Five of those had not completed their proceedings before the 1st October of this year and the Provincial Governments in whose jurisdiction they were sitting passed provincial laws to confer upon them the status of provincially constituted courts so that they could continue to hear the cases before them. Two of the Tribunals had finished the business before them, and the question arose as to which courts should have the power to take any steps necessary to execute the sentences of those Tribunals or to carry into effect any directions which the High Courts might give on appeal or revision in respect of their orders of those Tribunals. This was first provided for by the Special Tribunals (Supplementary Provisions) Ordinance, 1946; and this Bill is intended to replace that Ordinance.

Sir, I move.

The Motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. L. J. D. WAKELY : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The Motion was adopted.

BANKING COMPANIES (RESTRICTION OF BRANCHES) BILL

THE HONOURABLE SIR CYRIL JONES (Finance Secretary): Sir, I move :—

“That the Bill to restrict the opening and removal of branches by banking companies, as passed by the Legislative Assembly, be taken into consideration.”

The Banking Companies Bill, Sir, a large and comprehensive measure which is yet to be considered by a select committee of the Legislative Assembly, contains a provision for the regulation and control of the opening and removal of branches by banking companies on the lines embodied in this Bill now before this House, but there is very little prospect of the provisions of the main Banking Companies Bill being brought into operation within the space of one year at the very least. Not only has this large measure to be passed into law, but after it is passed, the rules have to be framed, a period of six months has to be allowed for objections, the objections have to be considered, and only then can that measure be brought into operation by notification as provided for by clause 1(3) of that Bill. But in the meanwhile recent banking developments have proved the urgent necessity for some interim measure to prevent the indiscriminate opening of branches by banking companies, irrespective of their size and financial standing, which is now going on, and not only going on, but going on at an increasing rate. Government have definite evidence on a very large scale of disquieting practices followed by number of banks, specially the smaller banks, but by no means confined to the smaller banks, in the matter of opening of a formidably large number of branches in various parts of the country, frequently far removed from the head offices of the companies, for the purpose mainly of attracting deposits which they have no apparent hope of repaying, and, we are forced to the conclusion, without any real intention of ever repaying.

The procedure frequently adopted is something like this. A bank—it may be a small bank of only a few thousand rupees capital and reserves—advertises lavishly in the papers, and simultaneously opens a large number of branches in different parts of the country. The opening of the branches is frequently accompanied by entertainments and such other flashy publicity as these banks can give. The expenses of opening the branches is capitalised and frequently reduces the real capital and reserves of the bank itself to a trifling figure and sometimes even to a minus figures. When the deposits are received, they are promptly remitted to the head offices of the banks, and the branch banks are then without funds for repaying them on demand. The Provincial Governments, the Reserve Bank and the Central Government have received a large number of complaints by depositors who claim that they are unable to get back deposits made by them in good faith with these banking companies. In fact it frequently happens that when the spurt is over and the banks have received all the deposits which they expect to get in a particular area, they calmly proceed to close down their branches without notice and leave the depositors to cry for their money as best they can. This practice we are entirely unable to prevent. We have not the powers. Inspection of these companies by the Reserve Bank is limited in extent on purely administrative grounds, and in any case would only follow after the event, and can do no more than lock the stable after the horse has been stolen. But the effect of practices such as these on general banking development in the country and the growth of the banking habit among the people, which we all desire, can well be imagined and I need not waste the time of the House in describing it. There are these two aspects to the problem. If the House wants figures, I might mention that we have particulars of something like 80 Banks which are doing this sort of thing at present; and if each of them opens 25 branches—you should remember that the number of branches is frequently 50 or 60 or even more—that will give 2,000 branches. If each branch attracts 100 depositors, that gives 200,000 depositors; and if each depositor represents a family of 5 people, there are a million people who are adversely affected by this growing habit, and a million people, in their bitterness and sometimes despair will influence adversely the opinion of many millions of people in respect of the desirability of depositing money in banks. That is perhaps a crude method of illustrating in concrete terms the measure of human suffering which we propose to stop at its source by the power we desire the Legislature to give us

[Sir Cyril Jones.]

of making the opening and removal of branches of banks subject to permission of the Reserve Bank. I would like to assure the House that it is in no way our desire to prevent the sound growth of banking in this country which taken as a whole is inadequate to its needs. There is no intention to stop the opening of new branches by well established banks in areas which are now short of banking facilities, nor is there any intention of preventing the opening of new branches by small banks provided they are financially sound. But this mushroom growth of branches, which are frequently concentrated in large cities where deposits might be expected such as Calcutta and other main towns of India which are already provided with ample banking facilities, is undesirable in the extreme. It leads to competition for deposits, forcing these new banks to offer sometimes as much as 4½ per cent. interest on current deposits, which in its turn forces these banks to resort to risky and speculative business in the utilisation of their assets in order to earn the wherewithal to meet their high charges. A number of these Banks have recently been wound up under order of the High Courts in this country and a number of such applications are still pending before the High Courts. This is a state of things which I think this House will readily agree is undesirable and I would ask for the approval of this House to this simple remedy of making the opening of new branches subject to regulation of the Reserve Bank of India.

Sir, I move.

*THE HONOURABLE MR. S. K. ROY CHOWDHURY (West Bengal: Non-Muhammadan): Sir, I rise to welcome this measure. We know, Sir, that some Banks both big and small, have opened their branches in hill stations and other important places when there is absolutely no scope for fresh business and provided residential quarters for the managing directors and other important persons in authority in the Bank thereby eating up practically the whole of their constituents' money. Some times they persuade some important personage to open the branch and they have lavish entertainments, and thus they attract the local people's money without the means of paying this money back when the time comes for payment. Sir, I support this motion.

THE HONOURABLE MR. M. THIRUMALA ROW (Madras Non-Muhammadan) Mr. President, the Bill seeks to remedy a defect that is rampant in the country. But what I want to urge is that the matter has to be viewed in a more comprehensive manner and it has to be seen that banking legislation is based on broader foundations. Sir, it is true that banking affords a field for financial adventurers to come with a small capital and try to make capital out of it by collecting a large number of deposits from innocent depositors. I have seen branches springing up like mushrooms: We do not know where the head offices, nor is it possible for us to locate the geographical position of the head office. We see big sign boards springing up as "Branch of such and such office" in big cities. Even in places like Madras you see the branch of a Bank whose head office is located somewhere in the Punjab. The man takes a building on a rent of Rs. 250 per month and keeps it vacant for more than a year. He never shifts but in anticipation of the branch coming, he hangs a board and starts canvassing depositors in the city. In obscure places also we see boards of Banks which are not very familiar. The banking habit is not so well developed in the country commensurate with the needs of the people. Agricultural credit, credit for the small man, who is scattered all over the villages, has to be developed well. In the South we have got a system of what are called Nidhis which are one man's shows but nevertheless they have got a sound tradition behind them. The person who runs them has got some stake in the area in which he lives and operates his business and has got some reputation to lose. These things have been built up in a large measure especially in the Tamil and Malabar areas. We have got an agricultural wing of the Reserve Bank of India with an officer in charge of the development of agricultural credit. I am not aware, Sir, how far this section of the Reserve Bank of

*Not corrected by the Honourable Member.

India has been useful to the country except in giving us reports now and then. Agricultural credit of the country requires the help of the commercial banks also. The statutory report of the Agricultural Credit Department for 1937 said :—

“With regard to commercial banks we have little to add to what we have said that they are in the best position to finance the movement and marketing of crops by making short-term advances against produce.”

The co-operative movement is not able to cater to the needs of the agriculturist and the primary producer to the extent to which credit is now offered to the poor man, there are a number of rules and regulations that are calculated to delay the disbursements. In the co-operative movement, a loan has to be sanctioned by the primary society, then it has to be recommended by the Union and then by the Bank directors. The Bank directors meet once in a month or once in six weeks to dispose of these loan applications and by the time the man who wants money gets his loan, the time for getting a fair price for his produce goes away and he is compelled to offer it at a stipulated price less than the anticipated price to the village money-lender. If you are to organise this credit and extend the usefulness of the banking system to the people that live in far off villages, then the commercial bank has to come to its aid. If commercial banking were to come to its aid, every taluk town must have a small branch of a decent bank whose position is sound. There is no use attracting not merely credit but deposits also from these areas and carrying them away to a central place to make money. We know the jugglery which some of the managers indulge in these big banks. A manager of a joint stock bank goes on carrying his private business in stocks and shares; I have known people who buy and sell and manipulate without all these transactions coming into the normal books of the bank; they make private profit out of public money. There are many other things to be controlled. As a measure to control and check unscrupulous adventurers who with a small capital go about extending their branches attracting large amounts of money by way of deposits and then wind up the business, this is a good measure. The machinery that is devised in this Bill is that the Reserve Bank of India will make a report to the Central Government and the Central Government will make a notification and then go on inspecting these branches and bring them to a close. I wish a general banking structure is raised with minimum rules and regulations before a branch can be started or before a bank can be started. As an interim measure, I offer my support to this measure.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa Muhammadan): Mr. President, I am afraid I do not find myself in the same mood as my two predecessors. I think the Hon'ble Member's measure is a halting measure. It should have been more strict and the public interests that have to be safeguarded are in greater danger than has been pointed out by the Honourable Finance Secretary. In India we have got three kinds of banking institutions. Firstly, the Scheduled Banks, which are comparatively more stable, better managed and more thoroughly examined. The second is the unscheduled banks, about which the Honourable the Finance Secretary recounted some stories. There is a third—

THE HONOURABLE SIR CYRIL JONES: Might I interrupt the Honourable Member? Some of my remarks apply to Scheduled Banks as well as to non-scheduled banks.

THE HONOURABLE MR. HOSSAIN IMAM: I am sorry to hear that even scheduled banks have stooped to these things. We thought they were a little better.

The third, and the worst in this group, are private bankers whose numbers are legion about whom we have practically no records. They are the persons who are working in the areas to which the Honourable Member from Madras referred in the countryside. They may have a certain amount of stake in the country, but the amount of money which they receive on deposits is considerably larger if they happen to be in the field for a sufficiently long time. My only suggestion is that if possible and if the Banking Bill does not get through quickly, there is a crying need that unscheduled banks must be restricted to a certain number of branches. I would suggest that the number of branches which an unscheduled bank may have should not in any case exceed four. Even four is a large number considering that they are unable

*Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

to deposit the requisite amount of money which qualified them to become a scheduled bank, which is five lakhs of capital and reserves. I would also appeal to public men that they should not be callous but use their discretion in associating themselves with banks which are on the face of it unstable. Every unscheduled bank I regard as unstable and absolutely unworthy of public trust, because it is too small to handle public money in larger quantities. Then, I think that the Reserve Bank ought to do a little more about agricultural credit than they have done so far. I know that we have in the Prices Sub Committee and in the Marketing Committee of the Agricultural Policy Committee made reports which are awaiting the consideration of the Government; but it will take too long for those measures to be adopted by the Government and given effect to in a legislative manner. In the meantime, which I think will be not less than 18 months, the Reserve Bank should more actively support the co-operative societies that are working in the countryside by means of cheap advances on securities which are not strictly speaking financially very sound. But due to the fact that they are a public organisation in which the interest of the money advanced by the creditor would be sufficiently guarded, we might make a beginning and make facilities and cheap credit available to agriculturists as well. Sir, I support the measure, though it is insufficient.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN (Madras : Non-Muhamadan): Mr. President Sir, perhaps I shall be guilty of temerity for venturing to speak on a subject which is considered technical. Though banking business is a matter for experts, it is also a matter of concern for the lay person, and I would like to give expression to my views on this Bill. As one who is in the habit of giving much thought to problems that concern the welfare of our country. I have studied this Bill with a certain amount of care and attention. I would first like to congratulate the Government on bringing forward this Bill, because I strongly believe that is necessary for the State to control banking in our country. But at the same time there are certain points which worry my lay mind and I should like to place them before this House as well as the Government for their consideration. One point which strikes me is that over-emphasis might be laid on the question of the financial condition of banks. The points that my Honourable friends on the left mentioned with regard to the opening of branches in large cities strengthen my fears that the richer banks are going to be richer and the poorer banks are going to be still poorer and may possibly go out of existence. I am glad that my Honourable friend, Sir Cyril Jones, admits that it is necessary that our country should have expansion of banking. If that is so, I think the Government should take care that the Reserve bank does not apply the control too severely so as to injure the small banks and thereby retard the expansion of banking in our country. As a villager, my concern is mostly for the welfare of the rural people and I know from personal experience that the interests of the rural population are neglected with regard to banking facilities. Most of the banks in our province which have got branches outside the capital of Madras are rich and top-heavy and do not care to have branches outside the headquarters of the districts, with the result, that the rural population have hardly any facilities for banking. No doubt there are Co-operative and Land Mortgage Banks; but, as the House very well knows, the activities are strictly limited. If the small banks which are not able to start branches in large cities and compete with the richer banks are not permitted to open branches at least in rural areas I am afraid banking will be seriously affected and also the rural population will not be benefited.

I would also like to point out most respectfully though I do not claim to know much about the banking business, that it is not sufficient if they attach importance only to the question of capital. I think equal attention should be given to what is called the turn-over of the bank, the annual turn-over. The capital might be small but the turn-over might be comparatively quite large and the bank might wish to increase its scope for good business. With regard to this point I think the Reserve Bank will have to be very careful in restricting the starting of branches by those banks which have capacity for extensive business and can profitably help the people as well as themselves. Therefore, Sir, I would request the Government to make

definite rules and issue clear directions for the Reserve Bank to follow when they apply control under the provisions of this Act.

Another point that worries me, Sir, is whether Government can take steps under this Act if not now at least in the near future, even before the elaborate Banking Companies Act is revised, to stop private money lending and usury. Private money lending is ruining our agricultural population which as we all know form the overwhelming mass of the people of our country. If the economic condition of our agricultural policy further deteriorates I am afraid the economic condition of our country will not improve. The House is aware that an Agricultural Debt Relief Bill was introduced and passed into law by the last Congress Government in our Province. It was intended to bring relief to the agricultural population. It failed its purpose to a certain extent for while it scaled down the debts of the agriculturists it made no provision to help the agriculturist to pay off the scaled down debts. I am also personally aware that during the war the ryots made large incomes because of the high prices of crops but they believed in the principle "Make merry while the sun shines". When they were advised to set aside something for the 'rainy day' they were afraid to deposit with the money lenders lest the latter cheat them of their savings. Their agreement was that as they did not know what they were to do with their money the best thing was to enjoy themselves when they had a little cash in their hands, with the result that now when crops are bad and also consumers goods are scarce they are in difficulties. Of course, certain people tell them that if landlordism is abolished their condition will improve but I doubt if that alone can help to solve their problems. Easy banking facilities must be provided for the rural population and I am and they should be encouraged to develop what is called a 'banking mind'. I trust that when this Act is being applied all these points will be kept in view by the Government.

THE HONOURABLE SIR CYRIL JONES: Sir, I am grateful for the response which this House has accorded to this Bill, though certain Honourable Members who have spoken are of the opinion that it possibly does not go far enough.

With reference to the remarks of the Honourable Mr. Thirumala Row my opinion is that this Bill will not effect the working of Nidhis in Madras. I agree with the Honourable Member, as I know, does the Government of India and the Reserve Bank, that the improvement and expansion of credit facilities to agriculturists in rural areas is of the highest importance and that there is scope for assistance in that regard from the commercial banks, but this Bill will in no sense work in a detrimental manner in that regard. It may not possibly work as a positive contribution towards expanding credit facilities for the agriculturists but that I would submit is rather outside the scope of this measure and is a matter—and indeed a very important question—which must be separately considered and for which special measures must be devised.

I was most interested in the suggestions offered by the Honourable Mr. Hossain Imam, whose appearance in this House I personally welcome. I can assure him that his suggestions will be considered by Government in consultation with the Reserve Bank which is our expert adviser in such matters.

What I have already said partly covers the points raised by the last speaker, the Honourable Mrs. Subbarayan. I do not think that this Bill will result in making rich banks richer and poor banks poorer. The Reserve Bank, I am confident, will operate its powers under this Bill in no way to the detriment of the expansion of small banking, particularly in rural areas, which is an objective which the Reserve Bank Central Board warmly accepts. It is difficult to give hard and fast directives to the Reserve Bank, which is an autonomous body created by law to control credit and banking, as to how its power should be exercised; but I personally am confident, and I suggest that this House may assume, until the contrary is proved, that the Reserve Bank will exercise its powers wisely and with discretion and will do all it can to encourage the development of rural banking. I can speak from personal experience in saying that in the allied case of the control of capital issues by banks the Reserve Bank, while being opposed to the increase of banking facilities in over-banked areas—such as large cities like Calcutta—in particular has shown every willingness and desire to do what it can in favour of the development of new banks or the expansion of

[Sir Cyril Jones]

existing banks in areas which are at present under-banked. I think this House may confidently assume that the Reserve Bank will exercise the powers which this Bill entrusts to it with a wise discretion.

THE HONOURABLE THE PRESIDENT: The motion is :—

“That the Bill to restrict the opening and removal of branches by banking companies, as passed by the Legislative Assembly, be taken into consideration.”

The question is that the motion be adopted.

The Motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

Title and Preamble were added to the Bill.

THE HONOURABLE SIR CYRIL JONES: Sir, I move :—

“That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

HINDU MARRIAGE DISABILITIES REMOVAL BILL

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN (Madras : Non-Muhamadan) : Sir, I beg to move :—

“That the Bill to remove certain disabilities and doubts under Hindu Law in respect of marriages between Hindus, as passed by the Legislative Assembly, be taken into consideration.

Sir, I would like first to thank you and the Honourable the Leader of the House for allotting time for the consideration and passing of this Bill. It is a very important measure, because it removes certain disabilities which prevent Hindus from enjoying the full freedom of selecting their partners in marriage. The Bill is very short and simple. It has only two clauses, and deals only with two points. It contains no technical legal terms which are not intelligible to the lay mind, and I am sure that it is not necessary for me to make a lengthy speech in commending this Bill to this Honourable House, which has already dealt with legislation for social reform in the past.

Sir, all the world over there is an impression that the end and aim of a woman's life is marriage and the care of her home. This impression is so strong in our country that it has amounted almost to religious belief. It is hard enough when marriage which is an important factor in human life, is made compulsory, and it becomes more difficult indeed if there are certain restrictions about freedom in marriage. By freedom in marriage I mean freedom in regard to choice of partners in marriage. Therefore, it is very important that this Bill should become law as soon as possible. This Bill, as we all know, has been on the anvil of this Legislature for many years, but owing perhaps to the apathy of the Government of the past it has not become law. I am glad that as soon as our National Government assumed office steps have been taken to enact this legislation.

Sir, the removal of any disability is important for the welfare of the country. The removal of disabilities of this kind is particularly important because it affects the happiness of our homes. It is no exaggeration if I state that had this Bill been law long ago, several tragedies among our young women could have been averted. There have been sad instances when girls committed suicide because the problem of their marriage was causing acute anxiety to their parents. There have been instances when young married women committed suicide because they were unhappy after marriage or because their husbands were contemplating another marriage in order to get a larger dowry or for some other reason.

I am glad, Sir, that the principle of this Bill finds support from distinguished leaders and thinkers like Mahatma Gandhi and Mr. Rajagopalachari. Mr. Rajagopalachari, in his own inimitable way, made a most impressive speech in support of

in " Young India " and later in " Harijan " in support of social reform. He stated in the course of his remarks :—

"In pre-British days there was such thing as rigid Hindu law governing the lives of millions. The body of regulations known as Smritis were indicative rather than inflexible codes of conduct. They never had the validity of law such as is known to modern lawyers. Hindu religion or Hindu shastras never had the changeless and unchanging character that is now being sought to be given to them. This very unsatisfactory state of things has to be, some day or other and somehow changed if Hindu society is to become a progressive unit in human evolution."

The origin of these customs and laws is more or less obscure, because opinions differ as to how they came into existence. It is quite clear, however, that they are not suitable for modern conditions, and as it is desirable to improve them. It requests this House to accept this Bill and help it to become law.

Sir, I move.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I rise to give my wholehearted support to the Bill which has been moved by the Honourable Member who preceded me. For a long number of years Hindu reformers have been feeling the necessity of legislation of this type and of reform of other branches of Hindu law. Government appointed a committee some time ago ; it was known as the Rau Committee. It made its report. Then some Bill was introduced in the Assembly, but I do not know what has now happened to it. In the last session we had put some questions about the introduction of a comprehensive change in Hindu law, and, if I understood correctly, it was then said that legislation would be coming before this House in proper time. It has not yet come before this House. Now this Bill, although it is not a comprehensive Bill, and introduces changes piecemeal, has to be welcomed, because it is only by this method that improvements have been made.

As Hindu law now stands, it prevents marriage with *sagotra*, that is, within the *gotra*. The term is quite explicit, and I need not take more time of the House in explaining it. The origin of *gotra* or *pravara* is somewhat uncertain. There are different opinions as to what *gotra* is, but the general opinion is this, that *gotra* means a particular family. As lawyers will bear me out, a girl on marriage enters the *gotra* of her husband and thus she becomes a part of that *gotra*. So, *gotra* is regarded as a branch of a family. It is regarded as a brotherhood, and they do not like that there should be marriages in the same family. This might have been useful at one time. But now even the orthodox people have realised that it is no longer useful. The *gotra* is known only when they ask for the information at the time of marriage. They ask : " What is your *gotra* ? ". " My *gotra* is so and so. " And marriages which had been fixed had to be given up if the parties happened to belong to the same *gotra*. Society has now outlived it. But it does not mean that any man can marry any woman. Restrictions are still there. There are other restrictions. If the parties are within seven generations on the father's side or five generations on the mother's side, they shall not marry. That restriction is there. But the restriction that they shall not marry if they belong to the same *gotra* is being removed by this Bill.

This Bill is only an enabling measure. If people belonging to the same *gotra* do not like to marry, there is nothing which compels them to marry within the *gotra*. This Bill will permit those who do not now want to observe this restriction to marry. Marriage within the *gotra* without this law is invalid. The High Courts have held that a marriage within a *gotra* is invalid.

THE HONOURABLE MR. A. R. NISHTAR : Void or invalid ?

THE HONOURABLE MR. G. S. MOTILAL : The courts have held that it is invalid. This is the verdict of the courts. This invalidity is removed by this Bill. Within the *gotra*, if persons like to marry, they may marry according to this Bill and their marriage will not be void or invalid though subject to other restrictions which are still there. Some of these restrictions are, I think, healthy restrictions. You do not want to do away with them. But those restrictions which we can do away with are being done away with by this Bill.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : (Bihar : Non-Muhammadan) : Sir, on behalf of my Party I wish to support this measure of Hindu reform. The only criticism perhaps that could be made on a measure of this modest kind is that it comes to us a little later than it should have come. Since this Bill was introduced I have had occasion to question many of my Hindu friends whom I met here in Delhi as to what their *gotra* was. Most of them answered that. But when I asked them what their *pravara* was, there were very few who could answer that question. Consequently, Sir, what I feel is that these restrictions are much too archaic in relation to the present state of Hindu society. Sir, I wish to make in this connection one or two remarks with regard to some other measures of this kind which have come before this House before. We had the Bill to modify or change or amend certain laws regarding Hindu marriage and another Bill with regard to intestate succession. When those Bills came up to us, they were referred to a Select Committee. Several of us sat on that Select Committee for months. I do not know, Sir, and I think very few of us in this House have information as to what has happened to those Bills. Those Bills had come up before us and we discussed them. It is lucky that we shall be able to pass this Bill today. But in some cases, the Bills seem to lapse in the Secretariat and never come back to us. I think the House should have some information with regard to the final fate of some of the Bills that were introduced before. I hope that the Member in charge of this Bill on behalf of Government will give us some information as to the present stage at which the Bill for the codification of the Hindu Law stands. A committee in relation to this was appointed presided over by an eminent person like Sir B. N. Rau. This house should be furnished with a statement each session regarding the progress or fate of measures that are debated here.

*THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS : (East Bengal Non-Muhammadan) : Sir, I rise to support this motion because it is in keeping with the spirit of the times. I beg to differ from the view expressed by the Honourable Sir Sobha Singh that such piece-meal legislation is not at all called for. Sir, I rather wish that a much wider scope had been given to the Bill, and any man or woman living in any part of the world, professing the Hindu religion, irrespective of restrictions had been given scope for contracting marriages. Sir, with these words, I give my whole-hearted support to the motion before the House.

THE HONOURABLE MR. M. THIRUMALA ROW : (Madras : Non-Muhammadan) : Sir, I do not want to detain the House much. I think we are not over-worked at any rate. This is an important measure in which my friend is interested. Marriage is not merely a question of physical comfort or physical convenience. I want to deal with it from that point of view. Sir, I was reading recently an interesting book on heredity. The Hindu society, as far as I can judge, is constructed on very scientific lines, and if it is to be developed on scientific lines you will have to control the production of the human race. The reason why our ancients called marriage a sacrament is that it permeated every one of our activities from birth to death with an idea of religious sanction. That is the reason why our system of medicine is called Ayurvedic Procreation or improvement of population and maintaining it at a certain level have all an influence in keeping up society. When we refer to *gotra*, it means that many of these claim their descent from a high spiritual personage or *rishi* or a man of great eminence. Every one wants to have some ideal. Today, even in the West, we see that all these Generals and Army Officers and civilians claim to have descent from some great personality who had made his mark in history. There are also groups of people and family in India who try to look up to a highly spiritually developed person to be their ancestors. Therefore *gotra* has taken its origin or root in that. *Gotra* is taken to a bigger man and the *pravara* to two or three other *Rishis* who are associated with that *Rishi*, or who are his *Sishyas*. It is from that group consciousness or group development of individuals that this thing has taken its origin in the beginning; and the joint Hindu family system also, Sir, has its origin in that and you cannot allow an intensive inter-marriage in a limited family. I can give you the example of a village consisting of persons inhabited entirely of a few families of one community and they have never gone out of that village to marry. They have intensively inter-married and their stock has started deteriorating. The reason why

[Mr. M. Thirumala Row.]

they have taken such care is to see that the human stock is kept in its purity and in its efficiency in order to develop it. Even now a writer like Bernard Shaw has said that human stud farms must be started on modern lines if you are to keep the human race strong and useful for the future. On account of the communications and interplay of civilisations and political events of one country over another, we have very much changed now. Many educated people may not be able to tell us what their *gotra* is and some of them have taken a pride in forgetting their *gotra* and ancestors even. Customs have changed so much that in Madras a man can marry his own sister's daughter; that is marrying in very close quarters which is prohibited—sister's daughter or brother grand-children, daughter's daughter. Suppose some families are driven by the invading tribes into seclusion; then they are compelled to marry among themselves. Nowadays when society is changing, this small measure allows *sagotras* to marry. I know the instance of a prominent man in our part of the country. He had settled a marriage with one of his own family people and a few days before the marriage it was discovered that the parties belonged to the same *gotra*. There was no alternative for him but to go to a French Settlement and have the marriage done—

THE HONOURABLE THE PRESIDENT: This is only a permissive legislation. You are not bound to marry. You are now going into an extraneous matter. You are not speaking on the Bill.

THE HONOURABLE MR. M. THIRUMALA ROW: I will try to stick to *Sagotra* marriages. Hereafter people who want to marry within their *gotra* can marry. But for those who have done hitherto there is no remedy; things are going on as if the law does not exist for them.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN: Sir, I do not want to take up too much time of this Honourable House in my reply to the points mentioned—

THE HONOURABLE MR. A. R. NISHTAR: The longer the speech the greater the delay in the passage of the Bill.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN: Now that the Honourable Member has made some remarks, may I respectfully say that I am disappointed that no Member from the Government Benches spoke on this Bill? I am glad, Sir, that the Bill has received support from all sides of this House and I suppose the silence of the Government Benches may be considered as consent.

THE HONOURABLE MR. A. R. NISHTAR (Leader of the House): On a point of explanation, Sir. But for the remarks of the Honourable Member I would not have spoken and participated in this debate. I must make the position of the Government clear. This is a matter which exclusively concerns a particular community. There might be difference of opinion between people holding liberal views and orthodox people and therefore it is not for the Government to take sides in such matters. It is for this reason that no Member of the Government has taken part in the debate one way or the other.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN: I thank the Honourable Member for the explanation that he has so kindly given us, Sir.

I will just reply briefly to the few points that have been raised by my Honourable colleagues during the course of their remarks. My Honourable friend Raja Motilal referred to barriers. I welcome the removal of these two barriers, because I think the wider the field for selection of bridegrooms for girls or brides for boys, the easier it is for parents to arrange marriages. My Honourable friend on the right expressed his fear about the word "freedom". By freedom I do not mean license. I use 'freedom' in the highest and best sense of the term, Sir, and let me assure this House that whenever I advocate any piece of legislation for social reform, I do it with the strongest conviction that it is in the best interests of not only Hindu society but also of the country in general. I believe strongly that we must hold on as firmly as we can to all that is best and noble in our Hindu culture and at the same time we must see how we can improve Hindu society by reforming the customs and laws that are hampering its progress. As my Honourable friend on the left said, there are certain absurdities in our Hindu customs. If a maternal uncle can marry his niece and two first cousins can marry, why should two people who belong to same *gotra* who have absolutely no blood relationship whatever be denied the freedom of marrying.

HINDU MARRIAGE DISABILITIES REMOVAL BILL

I can assure this Honourable House that parents, especially middle class parents, welcome this bill because the marriage of their daughters is becoming a very serious problem indeed. The dowry system is becoming a huge monster because of the narrow field from which bridegrooms can be selected for brides. I should have referred to this when I mentioned the tragic instances that have taken place because of the difficulties of getting daughters married. But as I wanted to make my remarks very brief, I refrained from going into this detail.

With regard to piecemeal legislation, when we realise that there is need for urgency for reform of a particular custom or law, I think we cannot wait for the codification of Hindu Law. Just now my Honourable friend, Sir Cyril Jones, introduced piecemeal legislation with regard to banking even though there is a comprehensive Banking Bill on the anvil. Similarly when we know that this Bill is absolutely necessary, we have to deal with it even though we are aware that the Hindu Code is being prepared and I heartily support the demand that the Government should give us some definite information with regard to the codification of Hindu Law. Sir, I again thank the Honourable House for giving its support to this Bill.

THE HONOURABLE THE PRESIDENT : Motion moved :

"That the Bill to remove certain disabilities and doubts under Hindu Law in respect of marriages between Hindus, as passed by the Legislative Assembly, be taken into consideration."

The question is that this Motion be adopted.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MRS. RADHA BAI SUBBARAYAN : Sir, I move.

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 20th November 1946.