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THE
LEGISLATIVE ASSEMBLY DEBATES
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(2nd April to 12th April, 1945)

TWENTY-SECOND SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1945



LEGISLATIVE ASSEMBLY

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Deputy President :

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Sardar SANT SINGH, M.L.A.

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LEGISLATIVE ASSEMBLY

Tuesday, 10th April, 1945.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN:

Mr. Krishnanath Ganesh Ambegaonkar, I.C.S., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

TREATMENT TO INDIAN PRISONERS OF WAR IN JAPANESE AND GERMAN HANDS

1735. *Prof. N. G. Ranga: Will the Honourable the Defence Member be pleased to state: whether Indian prisoners of war in the hands of the Japanese and Germans are accorded the same treatment in regard to food, clothing and other provisions and conveniences as is given to the other prisoners of war say the Americans and the English?

Mr. Ram Chandra: As regards prisoners in the hands of the Germans the answer is in the affirmative. I regret that no information is available regarding treatment by the Japanese.

Prof. N. G. Ranga: Is it the same in regard to British prisoners who are in the possession of the Japanese?

Mr. Ram Chandra: We have no information either as regards the British prisoners in the hands of the Japanese.

Prof. N. G. Ranga: Isn't it the International Red Cross through which you are able to get into touch?

Mr. Ram Chandra: The Japanese do not give the same facilities to the representatives of the International Red Cross.

Mr. T. S. Avinashilingam Chettiar: Is there any source of information through which one can get to know about the treatment of prisoners in Japanese hands?

Mr. Ram Chandra: Well, there is some source of information, namely, prisoners who escape.

Seth Yusuf Abdoola Haroon: Does the Government of India supply any information to Japan regarding the Japanese prisoners here in India?

Mr. Ram Chandra: I must ask for notice of that question.

Prof. N. G. Ranga: How did the Government of India come to know that the Indian prisoners were not being treated as prisoners but made to become combatants on their behalf?

Mr. Ram Chandra: As I said before, prisoners who escaped gave some information when they arrived.

DELEGATION TO ENGLAND FOR DISCUSSING LIQUIDATION OF STERLING RESOURCES

1736. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member please state:

(a) whether Government propose sending a delegation to England to discuss with His Majesty's Government the problem of the liquidation of the sterling resources;

(b) if so, when it is proposed to be sent; and

(c) who will be the members of the delegation and whether it will include any non-officials?

Mr. K. G. Ambegaonkar: I would invite the attention of the Honourable Member to the reply given to starred question No. 245 on 1st March 1945.

Mr. T. S. Avinashilingam Chettiar: In that question it was not certain whether they proposed sending a delegation to England.

Mr. K. G. Ambegaonkar: The question was exactly in the same terms and the reply given was that no date has yet been fixed.

Mr. T. S. Avinashilingam Chettiar: Has the personnel of the delegation been fixed?

Mr. K. G. Ambegaonkar: No, Sir.

Prof. N. G. Ranga: Is it going to be official or non-official?

Mr. K. G. Ambegaonkar: In the previous reply it was stated that the composition of the delegation had not yet been decided but that the Government of India were fully aware of the desirability of including non-official elements in the delegation.

Mr. T. S. Avinashilingam Chettiar: When do they expect to send the delegation?

Mr. K. G. Ambegaonkar: The date has not yet been fixed.

CERTAIN TENDENCIES RE BANKS AND INSURANCE COMPANIES CHANGING HANDS

1737. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member please state:

(a) whether, in pursuance of his reply to Starred Question No. 1254 dated the 22nd March, 1945, Government have finished consideration of certain tendencies regarding Banks and Insurance companies changing hands and come to any conclusion in the matter; and

(b) if so, what steps Government propose to take in the matter?

Mr. K. G. Ambegaonkar: (a) No.

(b) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, in view of the promise made by the Finance Member in this House that the matter is under consideration, whether they have taken any steps in the matter?

Mr. K. G. Ambegaonkar: The matter is under the consideration of the Commerce Department. The Honourable Member for Commerce is constituting a Committee to consider the question.

Mr. T. S. Avinashilingam Chettiar: May I know whether they expect to take action early in view of the important nature of the question?

Mr. K. G. Ambegaonkar: Yes, Sir.

LEGISLATIVE ASSEMBLY'S REJECTION OF DEMAND FOR INFORMATION AND BROADCASTING DEPARTMENT

1738. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Information and Broadcasting please state:

(a) whether Government have considered the opinion expressed by all sections in this House that the propaganda done by his Department in India and abroad has been against the Indian interests;

(b) whether Government have considered the vote of this House in rejecting the demand for his Department; and

(c) if so, with what effect?

The Honourable Sir Sultan Ahmed: (a), (b) and (c). I have already expressed Government's views on this subject and see no reason for any change in them.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government have considered the question and thought that there is no misrepresentation, or whether they have considered the question and consider no action is necessary on the part of the Government?

The Honourable Sir Sultan Ahmed: I have nothing to add to what I have said.

(At this stage Prof. N. G. Ranga interrupted.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said he has nothing further to add.

Mr. T. S. Avinashilingam Chettiar: Will the Government correct Sir Firoz Khan Noon?

Mr. President (The Honourable Sir Abdur Rahim): He has said he has nothing further to add.

LEGISLATIVE ASSEMBLY'S DECISION *RE* DEMAND FOR GRANT OF PLANNING AND DEVELOPMENT DEPARTMENT

1739. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Planning and Development please state:

(a) whether Government have considered the vote of this House on the Demand for Grants of his Department;

(b) if so, with what effect; and

(c) whether, in view of his promise to put every thing before the Standing Committee for Finance, he has any matters ready which he proposes to put before them?

The Honourable Sir Ardeshir Dalal: (a) Yes.

(b) The Governor-General in Council has restored the Demand.

(c) I presume the Honourable Member is referring to the Standing Committee for my Department. A meeting of this Committee of which he is a member was held on the 7th April. A brief statement indicating the subjects discussed and the conclusions reached will be circulated later to all Members of the Central Legislature.

Mr. T. S. Avinashilingam Chettiar: May I take it that no decisions will be taken by the Government before the matter is put before the Standing Planning Committee?

The Honourable Sir Ardeshir Dalal: No, Sir. That is not the object. According to the conclusions arrived at by the Committee on Standing Orders, a short resume of the subjects will be placed before the Standing Committee as well as the decisions of the Committee.

Mr. T. S. Avinashilingam Chettiar: In view of his promise to take the Committee into complete confidence, what we want to know is whether he would put everything before the Committee before coming to a decision.

The Honourable Sir Ardeshir Dalal: The work of the Planning Department is of a very extensive character and everything cannot be placed before the Standing Committee otherwise the whole work will be at a standstill until this Assembly comes to a decision. It would occupy the whole time of this Assembly for a year if such a thing were done.

Prof. N. G. Ranga: What we have in mind is not that everything should be placed before the Committee but every important matter concerning policy.

The Honourable Sir Ardeshir Dalal: Policy matters will be placed before the Committee as was done on the occasion when it first met. But the whole work of the administration cannot be held up.

Seth Yusuf Abdoola Haroon: Will any decision be taken before it is placed before the Standing Committee or the Standing Committee will be given an opportunity to discuss it?

The Honourable Sir Ardeshir Dalal: There are some matters which have already been considered by Government and certain decisions have been taken on it. The work of planning has been going on for some time. As I promised, important matters including policy will be placed before the Standing Committee.

Mr. T. Chapman-Mortimer: Will the Honourable Member assure us that what he will do will be to place before the Standing Committee all such papers as he would propose to place before any other committee that does not consist of Members of this House?

The Honourable Sir Ardeshir Dalal: There will be no difficulty in my placing before the Standing Committee the papers which I place before other Committees.

Mr. T. T. Krishnamachari: There is a little mistake in regard to the understanding of clause (c) of the question. The Honourable Member's reply refers to the Standing Committee for his Department whereas what the questioner wants is whether the Honourable Member has any proposals to place before the Standing Finance Committee. The House having rejected the Demand.

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

Mr. T. T. Krishnamachari: I want to explain the position. The House having rejected the Demand, the Honourable Member wants to know whether the Honourable Member for Planning and Development is going to place particular proposals of his which have a financial implication before the Standing Finance Committee.

The Honourable Sir Ardeshir Dalal: The questioner ought to know what he meant by his question. He has accepted the assumption that he meant the Standing Committee of the Department.

BAN ON PROVINCIAL CONGRESS COMMITTEES

1740. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member please state:

(a) whether all the Provincial Congress Committees and their working committees still continue to be banned;

(b) whether any of the Provincial Governments have consulted the Government of India over the matter of removing this ban;

(c) whether any Congress Committees are still banned in the centrally administered areas; and

(d) the policy of the Government of India in this regard?

Sir Richard Tottenham: (a) As far as I know, all Provincial Congress Committees, except that of the North-West Frontier Province, are banned. I have no information about Provincial Working Committees. The matter is one for Provincial Governments to decide.

(b) No.

(c) Yes. A detailed list is laid on the table.

(d) To maintain the ban till their removal is justified.

List of various Provincial and Local Congress Committees banned in the Centrally Administered areas.

1. *Coorg*
 1. The Coorg District Congress Committee.
 2. Karnataka Provincial Congress Committee.
2. *Delhi*
 - Delhi Provincial Congress Committee.
3. *Ajmer*
 1. Provincial Working Committee, Ajmer.
 2. Town Congress Committee, Ajmer.
 3. Town Congress Committee, Beawar.
 4. Town Congress Committee, Kekri.
4. *Baluchistan.*—Nil.

Seth Yusuf Abdoola Haroon: May I know from the Honourable Member whether the Home Minister of the Sind Government gave an assurance on the floor of the Sind Legislative Assembly that the Government of Sind was in communication with the Government of India regarding the removal of the ban on the Sind Provincial Congress Committee?

Sir Richard Tottenham: I have no information to that effect.

Mr. Badri Dutt Pande: In the North West Frontier Province the Congress Ministry is functioning and is ruling the Province. How is the Congress Committee illegal in other Provinces?

Sir Richard Tottenham: That is a matter for the Provincial Government to decide, as I made clear in my answer to part (a) of the question. No Congress Committee was declared unlawful in the North-West Frontier Province even in 1942.

Mr. T. S. Avinashilingam Chettiar: May I know if I heard the Home Secretary correctly: he said that the Provincial Governments have not consulted the Home Department over this matter. Is that correct?

Sir Richard Tottenham: Yes, I would not have said it if it had been incorrect.

Mr. T. S. Avinashilingam Chettiar: How is it that it disagrees with the statement made in the Sind Legislative Assembly that the Home Minister has consulted the Government of India in this matter?

Sir Richard Tottenham: We have received no letter from the Sind Government on the subject.

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

Mr. T. S. Avinashilingam Chettiar: Sir, this is an important question.

Mr. President (The Honourable Sir Abdur Rahim): The Government Member has made his reply quite clear.

JAILS IN DELHI

1741. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

- (a) the number of jails in Delhi;
- (b) their capacity to hold prisoners;
- (c) the number of prisoners of various categories such as ordinary criminals, War Prisoners and non-civil disobedience detenus in these jails;
- (d) the number of persons belonging to Delhi who have been taken as detenus;
- (e) in which jails of Delhi, Punjab and U. P. they are kept;
- (f) why Delhi detenus are today kept in the Punjab and U. P. jails especially when the Government of India have no control over the U. P. and the Punjab Jail authorities as to the conveniences to be provided for the Delhi detenus such as wearing shoes, using reading and writing materials; and
- (g) whether Government propose to bring back the Delhi detenus to Delhi or see that the U. P. and the Punjab Governments give the same treatment to the Delhi detenus in their Jails to which they are accustomed in Delhi Jails either by the Jail Manual or the Jail Practices?

Sir Richard Tottenham: (a) One.

(b) 677.

(c) A statement is laid on the table.

(d) 12.

(e) In various jails in the Punjab, but mostly in the Ferozepur District Jail.

(f) The Delhi District Jail has always been operated for administrative convenience as a unit of the Punjab Prison system. Delhi prisoners are not sent to jails in the United Provinces.

(g) No. The Government of India have suggested certain standards for the treatment of security prisoners in essential matters and these standards are maintained generally in all Provinces, including the Punjab. In matters of minor importance some variety of provincial practice is inevitable and it would be impossible to claim for Delhi prisoners in Punjab jails privileges in small matters that the remaining prisoners in those jails do not enjoy.

Statement showing the number of prisoners convicted for various offences and confined in the Delhi District Jail

Male convicts :

Sentenced to rigorous imprisonment—416.
 Sentenced by Courts-martial—23
 Sentenced to death—13.
 Sentenced to simple imprisonment—17.
 Under-trial prisoners—282.
 Others—6.

Female convicts :

Female convicts—2.
 Female undertrials—3.
 Total.—762.

Prof. N. G. Ranga: Why is it that the Government of India wishes to disavow all responsibility for the jail conditions of their own prisoners while allowing the Punjab rules to prevail in Delhi Jails?

Sir Richard Tottenham: As I said, to all intents and purposes the Delhi jail is a Punjab jail.

Prof. N. G. Ranga: Why should it be so?

Sir Richard Tottenham: For administrative convenience.

Mr. Sri Prakasa: May I know the present population of the Delhi jail with reference to the Honourable Member's reply to part (b) of the question and also whether the full quota of prisoners is there; and if not, whether Government will consider the desirability of bringing back to the Delhi Jail the Delhi prisoners from the Punjab?

Sir Richard Tottenham: I regret to say that the population of the Delhi jail at the moment, according to the statement I am laying on the table, is 762, whereas the proper capacity of the jail is 677, which means that the Delhi jail is unfortunately already overcrowded.

Prof. N. G. Ranga: Does that phrase "administrative convenience" also include the convenience of avoiding any sort of questions and the necessity to answer them in this House, by transferring the Delhi jail to the Punjab Jail administration?

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

Mr. Sri Prakasa: Will Government consider the desirability of bringing back the political prisoners at least from Ferozpur to Delhi and transfer the requisite number of ordinary prisoners from the Delhi jail to a Punjab jail instead?

Sir Richard Tottenham: As I said, there are only 12 security prisoners from Delhi at present and there are no suitable arrangements in the Delhi jail for such prisoners. It would be inconvenient for the prisoners themselves to bring them back to the Delhi jail, where they would be denied the company of other prisoners of the same kind.

Mr. Sri Prakasa: Cannot the 12 prisoners be expected to keep company among themselves and not need a thirteenth at their table?

Prof. N. G. Ranga: Are we to understand that the Delhi Administration has no Jail Code of its own?

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

Prof. N. G. Ranga: I want an answer to my question, Sir.

Sir Richard Tottenham: My answer is that the Honourable the President has called the next question.

Prof. N. G. Ranga: Do not take shelter under the President. Has not the Government got any shame?

DETENTION OF MR. B. PATNAIK

1742. ***Prof. N. G. Ranga:** Will the Honourable the Home Member be pleased to state:

- (a) for how long Mr. B. Patnaik, a detenu from Delhi, has been detained;
- (b) if it is not a fact that he had to be admitted into the Mayo Hospital for treatment for acute intestinal trouble and insomnia;
- (c) the present state of his health; and
- (d) whether Government propose to release him in view of his long detention and prolonged illness and serious condition of his present health?

Sir Richard Tottenham: The Honourable Member is referred to the answer given to Mr. Abdul Qaiyum's question No. 1502 on April 2nd. The further report which I have since received seems to show that there is nothing seriously wrong with his health.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the Government have answered on a previous occasion that they are considering Mr. Patnaik's release, may I know whether they have finished that consideration?

Sir Richard Tottenham: No, Sir. The consideration of that question has not yet been completed.

Mr. Sri Prakasa: May I know how long does the Honourable Member expect it would take to come to a final decision regarding Pilot Patnaik?

Sir Richard Tottenham: I think we may have to wait until the Home Member returns to India.

Mr. Abdul Qaiyum: When is the Home Member coming back?

Sir Richard Tottenham: I do not know.

Mr. Sri Prakasa: Will Government consider the desirability of appointing another Home Member to consider this matter?

(No answer was given.)

UNIFORM MINIMUM CONVENIENCES FOR POLITICAL PRISONERS

1743. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

(a) if Government are aware that at the time of the late Jatin Das hunger strike in 1929, Government gave an assurance that certain uniform minimum conveniences would be provided for political prisoners and others who are not convicted for moral turpitude and that in pursuance of that assurance, the practice has grown in all the Provinces of keeping all politicals together, as per their classes and certain minimum conveniences such as providing them with reading and writing materials, frequent interviews, wearing chappals and shoes, smoking, spending from their own money on supplementing their diet, clothes and books have been permitted to them; and

(b) whether the Government of India propose to suggest to the Punjab Government to abandon their objection to smoking by the Delhi detenus, who had been permitted to smoke while in Delhi jails and to the U. P. and Punjab Governments to allow their 'C' class politicals to wear shoes?

Sir Richard Tottenham: (a) Government have never given official recognition to the term "political prisoners"; but it is correct that at about the time to which the Honourable Member refers, the rules for the classification of prisoners were revised and persons whose status, education and character merited special treatment were given special privileges, provided that the offences of which they were convicted did not fall within certain categories including crimes of violence. The details were explained in a *communiqué* issued by the Government of India in 1930.

(b) Persons detained without trial are not subject to the classification rules applicable to convicted prisoners but somewhat similar privileges have been granted by all Provinces to those to whom the same sort of criteria as those which I have mentioned in the reply to part (a) would apply. Copies of the Provincial Rules on the subject are in the Library and I find that under rule 39 of the Punjab Rules security prisoners are allowed to smoke at their own expense. As regards footwear I may point out that security prisoners are allowed to wear their own clothing if they so wish.

Prof. N. G. Ranga: Will Government consider the advisability of treating the Delhi jail as their own jail and subject to their own rules and not as a Punjab jail subject to Punjab rules?

Sir Richard Tottenham: The Honourable Member seems to be repeating in another form the question which I have already answered.

Prof. N. G. Ranga: This arises in view of the fact that there was an assurance given that as far as possible uniformity of treatment would be given to political prisoners, as we consider them, to such class of prisoners as my Honourable friend has specified as coming under a special category; and I suggest that the Punjab jail rules are not satisfactory and therefore the Government of India should begin to treat the Delhi jails as their own jails and administer them according to their own rules, subject to the control and supervision of this Legislature.

Sir Richard Tottenham: I have tried to explain that in all important respects the rules governing the treatment of detenus or security prisoners are the same in Punjab jails and the Delhi jail. The Honourable Member has mentioned two particular cases in which he suggested that the treatment given in the Punjab jails is less good than it would be in the Delhi jail, that is to say, (1) the case of smoking and (2) the case of footwear. I have explained that under the Punjab rules smoking is allowed; actually, I believed under the Delhi rules it is not allowed; and therefore, as a matter of fact, the Punjab rules are more liberal in this respect than the Delhi rules. In the second place as regards footwear, there is no real complaint because all these people are allowed to bring their own clothes and to wear them, if they wish to.

Mr. T. S. Avinashilingam Chettiar: Does 'clothes' include footwear also?

Sir Richard Tottenham: Yes; I should say that it did.

BAN ON ENTRY OF MESSRS. M. C. PANT AND SHANTI SWARUP INTO DELHI CLOTH MILLS AREA

1744. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

(a) if it is not a fact that Messrs. M. C. Pant and Shanti Swarup, former employees of the Delhi Cloth Mills have been prevented from entering into the Delhi Cloth Mills area;

(b) if it is not a fact that, as a result, they have been unemployed ever since their release from detention;

(c) if it is not a fact that they have not been granted any maintenance allowance; and

(d) whether Government propose to reconsider their decision and see that these people are granted some suitable allowances?

Sir Richard Tottenham: (a) An order preventing Mr. M. C. Pant, from entering the mill area in Delhi was in force for about six months until January last, when it was withdrawn. A similar order in respect of Mr. Shanti Swarup was passed on the 11th January, 1945 when he was released from detention, and is still in force.

(b) Government have no information.

(c) Yes.

(d) No.

Prof. N. G. Ranga: How much allowance was granted to Mr. Shanti Swarup?

Sir Richard Tottenham: No allowance was granted.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the Home Member promised that in future he would not pass any orders preventing lawful employment, may I know whether that fact was considered with reference to these two persons?

Sir Richard Tottenham: That is perfectly true; and I do not think the present order against Mr. Shanti Swarup does prevent him from earning his living. There are plenty of opportunities for procuring employment outside the particular wards from which he is excluded. There are other mills in Delhi and in the Delhi area; and I also understand that this gentleman himself voluntarily surrendered a lucrative appointment in the Delhi Cloth Mills in August 1942.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that he has been prevented from joining his old employment, will the Government of India use their good offices to get him such employment outside as they think they can?

Sir Richard Tottenham: If the man himself applies to us for any assistance, we will consider the matter; but we have received no representation on the subject. As I am on the subject, I suggest it would be better to wait a little, because, as the Home Member said the other day, the Chief Commissioner of Delhi is reviewing these orders which restrict the movements of people, with a view to modifying them if possible in the very near future.

DISCONTINUING OF PROPAGANDA FILMS

1745. *Mr. Satya Narain Sinha (on behalf of **Mr. Manu Subedar**): In view of the fact that the production of propaganda pictures has been discontinued at Hollywood, the principal producing centre of films, will the Honourable Member for Information and Broadcasting be pleased to consider the advisability of removing this obligation from Indian film producers?

The Honourable Sir Sultan Ahmed: It is not understood as to what is meant by the discontinuance of the production of propaganda pictures in Hollywood. War propaganda films are still being produced in large number in U. S. A. and elsewhere by the film industry in those countries.

Raw film supplies are obtained from other countries on the understanding that it would be used for the advancement of war effort and the maintenance of morale in general. It is necessary, therefore, for the Government of India to ensure that a part of the raw film is used for films designed to promote the war effort and to maintain morale.

Mr. T. T. Krishnamachari: Is it the idea of the Honourable Member's Department to use this concession to produce propaganda films merely as a sort of eye-wash in order to get the raw films from U. S. A.

The Honourable Sir Sultan Ahmed: I do not accept the word eye-wash, otherwise he is correct, that we have to produce these pictures in order to have propaganda. But I do not accept the word 'eye-wash'.

DETENTION OF MR. JAIRAMDAS DOWLATRAM

1746. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state if Mr. Jairamdas Dowlatram, a security prisoner of Sind, is detained under the orders of the Central Government or the Provincial Government of Sind? If by the former, how long has he been so detained?

(b) Is it a fact that he has been ailing? If so, since how long, and what is his malady?

(c) Is the Honourable Member aware that he is not a member of the Congress Working Committee but an *ex*-member of the Working Committee?

(d) Is it a fact that the Provincial Government of Sind has released some political prisoners but has left the case of Mr. Jairamdas to be considered for release by the Central Government?

(e) Do Government propose to release him, or if he is detained by the Sind Government, to recommend to it for his release? If not, what are the reasons for his further detention and when was his case reviewed last?

Sir Richard Tottenham: Mr. Jairamdas Doulatram has been released.

Mr. Lalchand Navalrai: May I know if Mr. Jairamdas Doulatram has been released on the recommendation of the Muslim League for the purpose of helping them in the formation of a Muslim League Ministry, or for some other reasons?

Sir Richard Tottenham: I only know that the Sind Government recommended his release.

Mr. Lalchand Navalrai: When it is said that he has been released on the recommendation of the Sind Government, is it not as the Honourable Member has been saying that it is on the merits that they are released?

(No answer was given.)

Mr. Lalchand Navalrai: I want a reply to my question.

Mr. President (The Honourable Sir Abdur Rahim): It does not call for a reply.

ARREST OF MR. J. T. SHAHANI, ETC., AT POONA

1747. *Mr. Lalchand Navalrai: (a) Will the Defence Secretary be pleased to state if he is aware that Mr. J. T. Shahani, his son and his wife's brother were arrested in the cantonment at Poona in or about August, 1942?

(b) Is it a fact that his wife was asked at the dead of night to leave the cantonment area?

(c) Is it a fact that he owns a shop and has a residential house in the cantonment area?

(d) Is it a fact that his shop was declared out of bounds?

(e) Is it a fact that after their release the son and the father are not permitted to enter the cantonment area though he is suffering a great loss by not managing the shop himself?

(f) Do Government propose to remove the above ban or keep it on indefinitely or for how long and for what reasons?

Mr. Ram Chandra: I have called for information and will place a statement on the table of the House in due course.

Mr. Lalchand Navalrai: May I know if this matter will be decided soon, as they are suffering and as they are not allowed to enter the cantonment or will it be done after a long time and the matter placed on the table?

Mr. Ram Chandra: The answer to the question, I am afraid, is not yet ready, and until I get the information which I have called for, I am not in a position to add anything to what I have said.

Mr. Lalchand Navalrai: I am asking whether it will be expedited.

Mr. Ram Chandra: Certainly; every effort will be made to expedite the matter.

Mr. Sri Prakasa: May I know if the Honourable Member is in telegraphic communication with the authorities at Poona in view of the importance of the question?

Mr. Ram Chandra: No.

Mr. Abdul Qaiyum: May I know when the inquiry was addressed?

Mr. Ram Chandra: I have not got any date, but I can assure the Honourable Member that it was done as soon as notice of the question was received.

Mr. Sri Prakasa: Did the Honourable Member communicate with the authorities concerned merely by post?

Mr. Ram Chandra: Yes; the communication was sent by post.

INSTALLATION OF RADIO SETS FOR COMMUNITY LISTENING IN CERTAIN MADRAS DISTRICTS

1748. ***Sri K. B. Jinaraja Hegde:** Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) if he is aware that 568 radio sets were supplied to the Madras Government to be installed by them for community listening; if so, how many of them were installed in each of the following districts:

(i) the Nilgiris; (ii) the South Kanara; and (iii) Malabar;

(b) whether all of them were installed for community listening or any of them sold by the Madras Government to private parties; and

(c) whether the Government of India have any scheme to expand the arrangements for community listening?

The Honourable Sir Sultan Ahmed: (a) and (b). Yes, the Madras Government were supplied with 568 radio sets for community listening. Beyond that Government have no definite information on these points which are entirely the responsibility of the Provincial Government.

(c) The Government of India have no scheme of their own to expand the arrangements for community listening.

Prof. N. G. Ranga: Is it not the duty of the Government of India to assure itself that when they issue sets for community use, they are actually being used for community use and not for any other purposes?

The Honourable Sir Sultan Ahmed: We have got no reasons to think that they are not put to the right use.

Mr. T. S. Avinashilingam Chettiar: Did the Provincial Government pay for them or is it a present to them?

The Honourable Sir Sultan Ahmed: I would like to have notice of that question.

Mr. Sri Prakasa: Does the Government give any instructions to the Provincial Governments as to how these community sets are to be used?

The Honourable Sir Sultan Ahmed: No; they have to certify us that they will be used for the purposes for which they have got them.

Mr. Kailash Bihari Lall: May I know what are the favoured provinces who get the privilege of this community listening?

The Honourable Sir Sultan Ahmed: I have answered that question before.

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

APPOINTING OF A MUSLIM AS SECRETARY, CENTRAL BOARD OF REVENUE, ETC.

1749. ***Mr. Muhammad Hussain Choudhury:** (a) Will the Honourable the Finance Member be pleased to state if, since the inception of the Income-Tax Department, there had ever been a Muslim Secretary in the Central Board of Revenue or a Muslim Commissioner in Bengal, Punjab or Assam? If so, for what duration?

(b) Is it a fact that the key posts in the above three Provinces have been held in the past and are being held at present by non-Muslims?

(c) Does the Honourable Member propose to consider the advisability of taking steps to see that so long as there is no Muslim Commissioner of Income-Tax and the reasonable number of Muslim Inspecting Assistant Commissioners,

there should be a Muslim Officer on the post of Personal Assistant to the Commissioner of Income-Tax in the Punjab?

Mr. K. G. Ambegaonkar: (a) Khan Sahib Malik Nazar Mohammad Khan officiated for 3 weeks as the Commissioner of Income-tax, Punjab. The answer to the other parts of the question is in the negative.

(b) No.

(c) The post of Personal Assistant to the Commissioner of Income-tax in the Punjab is generally filled by the most suitable junior officer available at the time, having regard to all circumstances. The practice has so far worked well without detriment to the interests of any community and there appear to be no reasons for making a departure from it now.

INSPECTORS AND HEAD ASSISTANTS IN INCOME-TAX DEPARTMENT UNDER PUNJAB-COMMISSIONERSHIP

1750. *Mr. Muhammad Hussain Choudhury: Will the Honourable the Finance Member please state:

(a) the community-wise strength of permanent Inspectors and Head Assistants in the Income-Tax Department under the Punjab Commissionership; and

(b) whether it is a fact that these grades are mostly possessed by Matriculates and even non-Matriculate non-Muslims?

Mr. K. G. Ambegaonkar: (a) and (b). The information is being collected and a reply will be laid on the table of the House in due course.

PROSECUTIONS FOR OFFENCES AGAINST PROPERTY OF CROWN IN DELHI CENTRAL ORDNANCE DEPOT

1751. *Mr. Ram Narayan Singh: (a) Will the War Secretary be pleased to state the number of cases instituted in Courts-martial and of those in Criminal Courts, during the years 1942, 1943 and 1944, for offences against the property of the Crown in the Delhi Central Ordnance Depot?

(b) Will he please state the principles, apart from the one in Section 41, Indian Army Act, which have been in vogue to discriminate offences and personnel to be tried, some by Courts-martial and others by ordinary Criminal Courts?

Mr. O. M. Trivedi: (a) I regret that the information asked for by the Honourable Member is not readily available and its collection would involve an amount of time and labour which would not be justified in war time.

(b) The principles are detailed in paragraphs 1, 2 and 3 of Chapter VI of the Manual of Indian Military Law, a copy of which is in the Library.

Prof. N. G. Ranga: Are these cases so numerous that it is not convenient for the Honourable Member to collect and give the information to the House?

Mr. C. M. Trivedi: I have given the reason. Collection of information would involve an amount of time and labour which would not be justified in war time.

Prof. N. G. Ranga: If there are only a few cases, how could they involve an enormous amount of labour and expense?

Mr. C. M. Trivedi: We are not justified in calling upon the authorities of the Ordnance to collect this information at a time when their hands are full with other important war work.

Mr. T. S. Avinashilingam Chettiar: The information is wanted only in regard to one Depot, namely, the Delhi Central Ordnance Depot. Does the Honourable Member think that the time and labour involved is too much?

Mr. C. M. Trivedi: I mean exactly what I say.

Mr. Sri Prakasa: I would like to make a submission in this connection. Many Honourable Members have been in the habit for some time past of saying that the amount of time and labour involved in answering questions would not be justified in war time. The Standing Orders say that they can only reply in this way if the time and labour involved would not be commensurate with the results obtained. I do not know how and when the Standing Orders have been amended to enable Honourable Members on the other side to take shelter behind the war and avoid answering questions.

Mr. T. S. Avinashilingam Chettiar: In this case,, it is only one Depot in regard to which information is wanted.

Mr. President (The Honourable Sir Abdur Rahim): I do not think the matter calls for an explanation. War time does make a difference in many respects.

PROSECUTIONS FOR OFFENCES AGAINST PROPERTY OF CROWN IN DELHI CENTRAL ORDNANCE DEPOT

1752. ***Mr. Ram Narayan Singh:** (a) Will the War Secretary be pleased to state if he is aware that by non-compliance with the provisions of Section 41, Indian Army Act, the defence of the alleged offenders, tried by the ordinary Criminal Courts, has been prejudiced owing to:

(i) the absence of defence witnesses, who, since the alleged commission of an offence, have, either gone on "active service" overseas or have died;

(ii) the non-production of Military records, which is either privileged or, for some reason or the other, has been destroyed, or is missing;

(iii) the omission of reference to the customs of the Army service and to Military Law as defined in Section 180 (2) (a) of the Army Act; and

(iv) the refusal of bails, non-supply of the proceedings of the Criminal Court, except on payment, non-recognition of friends to assist the accused and non-appointment of a defending officer to defend the accused?

(b) Does he propose any action by way of relief to the alleged offenders' families during the period of "active service" in pursuance of Section 43 (h) (v) read with 52-A of the Indian Army Act?

Mr. C. M. Trivedi: (a) (i). The position as regards the difficulty in producing defence witnesses remains unchanged even when an accused is tried by a court martial. The military authorities do, in both cases, subject to the exigencies of the service, facilitate the attendance of any military witness required by the courts.

(ii) The doctrine of privilege applies equally to civil and military courts.

(iii) I am afraid I have been unable to understand the exact implications of the Honourable Member's question. If, however, he means that the civil court is unaware of the customs of military service, I may inform him that the offender would only be tried for a civil offence under the civil law and *not* for an offence of a purely military character where such considerations may be of importance.

(iv) Bail will not be refused unless the offence committed is of a serious nature, in which case the accused would be in close arrest even when tried by a court martial. As regards the last part, Rule 388 of the Regulations for the Army in India provides for the defence of soldiers charged with criminal offences and prosecuted in civil courts.

(b) Section 43 (h) (v) of the Indian Army Act details a punishment that may be imposed on a soldier on active service whereas section 52-A deals with allowances to the dependants of a Prisoner of War. The two Sections are not inter-related in any way, and I have not been able to understand what exactly the Honourable Member has in mind.

DISABILITY PENSIONS OF COMMISSIONED AND NON-COMMISSIONED OFFICERS BEFORE COMPLETION OF MINIMUM SERVICE

1753. ***Mr. Ram Narayan Singh:** (a) Will the War Secretary please state if it is a fact that in the case of a commissioned officer who has been disabled, before putting in the minimum length of service required, to earn an ordinary pension of his rank, the amount of disability pension has comprised of the minimum ordinary pension payable to that rank *plus* a disability element of pension assessed in relation to that rank whereas in the case of a non-commissioned officer disabled before putting in the minimum length of service required to earn an ordinary pension of that rank, the amount of disability pension has not comprised of the minimum pension payable for that rank, and the disability element of pension has also been assessed on the lowest rank, *i.e.*, of a sepoy?

(b) If the answer to (a) be in the affirmative, will he please state the authority, with reference to Section 136 Army Act, War Pensions Acts 1915 to 1920, any Royal Warrant or any law passed by the Governor-General of India in Council for this distinction?

(c) Does he propose to apply the same principle in the case of Indian non-commissioned officers as regards the grant and assessment of disability pension, as in the case of Commissioned officers when both are subject to similar risks, if not, why not?

Mr. C. M. Trivedi: (a) If the Honourable Member is referring to the rules applicable to the disability pensions of Viceroy's Commissioned Officers then the position is as stated by him in the 1st part of the question. The rules regulating the grant of disability pensions to King's Commissioned Officers are different and lay down a fixed rate of disability element irrespective of rank.

As regards non-commissioned officers of the Indian Army who have not earned a service pension and who are discharged with a disability assessed at 20 per cent. or more which is attributable to military service, special rates of pension are laid down in the Pensions Regulations, Part II (1940). I may add, however, that these rates are higher than those admissible to a sepoy in the same circumstances.

(b) As already stated on the 2nd April, 1945 in answer to part (a) of starred question No. 1506, the executive authority vested in the Governor General in Council by the Government of India Act, 1935, extends to the payment of pensions to, or in respect of, persons who have served in His Majesty's Forces in India.

(c) No, Sir. The Pensions Regulations for the Army in India have been framed after taking into consideration all the relevant factors and I see no reason for modifying them in this respect.

FAMILY PENSIONS OF COMMISSIONED AND NON-COMMISSIONED OFFICERS

1754. *Mr. Ram Narayan Singh: (a) Will the War Secretary please state if it is a fact that family pension of Commissioned officers has been assessed with reference to the Commissioned rank held on the date of death, whereas the family pension of Non-Commissioned Officers, has been assessed with reference to the lowest rank, i.e., the sepoy's rank and not with reference to Non-Commissioned rank, in spite of the fact, that for the purpose of ordinary and disability pensions the non-Commissioned rank has carried a higher pension than the corresponding pension for the rank of a sepoy?

(b) If the answer to (a) be in the affirmative, will he please state the authority with reference to Section 136 of the Army Act, War Pensions Acts 1915 to 1920, Royal Warrant or any law passed by the Governor-General in Council for ignoring the non-Commissioned rank for the purpose of grants and assessments of family pension?

(c) Does he propose any action with retrospective effect in cases affected by this non-recognition of non-Commissioned rank, for the grant and assessment of family pension? If not, why not?

Mr. C. M. Trivedi: (a) and (c). As regards commissioned officers the position is that family pensions are assessed with reference to the paid rank held on the date of death or of first removal from duty, whichever is more favourable. As regards non-commissioned ranks however the facts are not as stated by the Honourable Member. The position is that in 1921 it was decided to increase the family pensions of sepoy and naiks, and the increase decided upon made the family pensions awardable to these two ranks equal to those awardable to Havildars.

(b) I would refer the Honourable Member to my reply to part (b) of the preceding question.

SCALES OF PAY AND ALLOWANCE OF POSTAL EMPLOYEES IN MIDDLE EAST ARMY

1755. *Mr. M. Ananthasayanam Ayyangar: (a) Will the War Secretary be pleased to state if the scales of pay and allowance allowed to postal employees

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

and servants in the Middle East Army are not much lower than the corresponding scales for similar employees in India at present and that they continue on the old scales?

(b) If so, what is the difference due to, and do Government propose to consider the revision of such scales to bring them up to the Indian level?

(c) What are the conditions of leave for the said employees, and are they permitted to return to India at least once in eighteen months? If not, why not?

(d) Have any applications been received from those employees for transfer back to India or at least for leave, and how are they being disposed of in the majority of cases?

Mr. O. M. Trivedi: (a) On the assumption that the Honourable Member is referring to personnel in the Indian Army Postal Service, the answer is "No". Indian Army Postal Service personnel in the Middle East get the same basic pay as those in India. In addition those in the Middle East and in field service areas in India receive a military compensatory allowance equivalent to 50 per cent. of their basic pay, subject to a minimum total emoluments of Rs. 100 in the case of clerks, and Rs. 40 in the case of postmen and mail guard. In non-field service areas in India the military compensatory allowance is 25 per cent. of basic pay.

(b) Does not arise in view of the answer to part (a).

(c) The conditions of leave are the same as for Army personnel, that is, the amount of leave and the number of leave passages allotted to each unit or service is at the discretion of the Force Commander and generally depends upon the operational situation and transport facilities available. Normally leave is granted in rotation and on compassionate considerations, and it is not possible to ensure return to India at least once in 18 months in every case. Those granted leave can spend a minimum of 24 days at home.

(d) Yes, Sir. Applications are given individual consideration, and repatriation, or leave as described in my reply to part (c), is granted according to the exigencies of the service.

INDIAN OFFICERS AND SOLDIERS IN ARTILLERY SERVICE ON ITALIAN FRONT

†1756. ***Mr. M. Ananthasayanam Ayyangar:** Will the War Secretary please state whether there are any Indian Officers and soldiers in the Artillery service on the Italian front? If not, why not?

Mr. O. M. Trivedi: The answer to the first part is in the affirmative. The second part does not therefore arise.

AMENITIES AND FACILITIES TO INDIAN TROOPS IN MIDDLE EAST

†1757. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the War Secretary please state how many parties of dancing girls have been sent and are now employed to offer entertainment to the Indian troops in the Middle East? What is the cost of each troupe?

(b) Are cigarettes supplied to Indian soldiers of inferior quality to those that are supplied to British soldiers in the same regiment? If so, why is this difference made?

(c) How many nurses, Indian, Anglo-Indian and European working in the Military Hospitals in the Middle East are serving the troops from India there? What are the scales of pay allowed to the three classes of nurses, and is there any difference in the work they do?

(d) Are the Indian soldiers allowed leave once at least in eighteen months to return to India? By whom are the applications for leave investigated, recommended or disposed of?

(e) Are any newspapers, dailies, weeklies and monthlies supplied to the Indian troops in the Middle East?

Mr. O. M. Trivedi: (a) Eleven of these 'Fauji Dilkhush Sabha' parties, each costing Rs. 5,000 per month, are now overseas. Three of them are always in the Middle East.

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

(b) In the case of Indian Troops, issue cigarettes are manufactured from entirely Indian grown tobacco, whereas in the case of British troops, issue cigarettes contain a proportion of imported tobacco.

British and Indian Troops are issued with cigarettes of the type which they are accustomed to smoke.

(c) On the assumption that the Honourable Member is referring to Indian Service Nursing personnel, I lay a statement on the table giving the information regarding the numbers and pay of such personnel. I may add that in the same service all classes of nurses do the same work and draw the same scales of pay according to their ranks.

(d) The grant of leave from overseas Commands to Indian soldiers to India is not automatic after 18 months. All such leave from overseas commands is at the sole discretion of the Force Commander concerned and is granted on a percentage basis, dependent entirely on operational considerations, which of necessity, limit the numbers who may be absent from the overseas command at any one time. In accordance with quota granted on this basis, applications for leave are investigated and recommended by officers commanding units and disposed of by the authorities to whom power actually to sanction the leave is delegated by the Force Commander.

(e) No newspapers beyond those mentioned in my reply on the 10th February to part (a) of starred question 97 are at present being sent to Indian troops in the Middle East Command. They are however being asked if they would like them.

Statement showing the number of Indian, Anglo-Indian and European nurses working in the Middle East and their scales of pay.

	Indian Military Nursing Service	Auxiliary Nursing Service
Europeans	6	3
Domiciled Europeans and Anglo-Indians	17	6
Indians	6	17
	29	26

Scales of Pay

Indian Military Nursing Service

Matron	Rs. 419—28—55½
Senior Sister	Rs. 357—11—390
Sister after 10 years	Rs. 335
Sister after one year	Rs. 258—11—313
Sister on appointment	Rs. 230

Auxiliary Nursing Service

Certificated Nurses	Rs. 135—5—175	} Free messing in addition is authorised.
Uncertificated Nurses	Rs. 100—2½—120—3—126	

NEEDS AND SUFFERINGS OF INDIAN TROOPS IN MIDDLE EAST

†1758. *Mr. M. Ananthasayanam Ayyangar: (a) Will the War Secretary please state whether any reports have been submitted to the Government on the needs and sufferings of Indian troops in the Middle East—(i) by the non-official members of the Central Legislature, and (ii) by the journalists in India who were sent to those areas?

(b) Have they made any recommendations? If any such recommendations have been made, how far have those recommendations been implemented?

(c) What is the expenditure incurred by Government for taking each of the aforesaid groups to see the troops?

Mr. O. M. Trivedi: (a) and (b). On return from their tour in the Middle East in March 1943, the Defence Consultative Committee made recommendations on a good many points which had come to their notice. The points raised by the members were discussed at a special meeting of the Committee on the

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

6th July, 1943 under the Chairmanship of the Deputy Commander-in-Chief. Those recommendations which were accepted at that meeting have since been implemented. The newspaper representatives who toured the Middle East were not of course, expected to submit a report to Government and have not in fact done so, but I may assure the House that any suggestions they have already made or may make in the future in their newspapers will be carefully and sympathetically considered.

(c) The expenditure incurred by Government on these two tours amounted to approximately Rs. 6,000 and Rs. 15,000 respectively.

HEALTH OF MAULANA NOORUDDIN

†1759. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state the state of health of Maulana Nooruddin, Member of the All-India Congress Committee and a Provincial citizen of Delhi, who is detained in the Ferozepur Jail?

(b) In view of his bad health and of the fact that many Members of the All-India Congress Committee have been released, have Government considered the advisability of releasing him?

Sir Richard Tottenham: (a) and (b). The Honourable Member is referred to the reply given to Mr. Ram Narayan Singh's question No. 1641 on April 5th. The advisability of releasing the detenu is of course considered periodically by the Chief Commissioner, Delhi.

REVIEW OF DEARNESS ALLOWANCE QUESTIONS

†1760. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state, with reference to his answer to a supplementary question in connection with starred question No. 481, answered on the 16th November, 1944, whether it is a fact that all questions relating to dearness allowance come under review from time to time?

(b) When was the question of dearness allowance to Government Pensioners first and last considered?

(c) Has there been any change in the amount of dearness allowance granted to Government Pensioners since it was first granted?

(d) Is it or is it not a fact that the rise in price level of essential commodities in U. K. is not as much as 200 per cent., while in India it is more than 400 per cent. of the pre-war level? If not, what are the facts?

(e) In view of the fact that in U. K. dearness allowance is granted even to pensioners getting £300 a year, and also owing to the high level of prices in India, have Government considered the advisability of increasing the rate of dearness allowance to lower grades and extending the benefit to pensioners getting up to Rs. 200 per month?

Mr. K. G. Ambegaonkar: (a) Yes.

(b) In November, 1943 and in November, 1944, respectively.

(c) Not to those drawing pensions below Rs. 40 per mensem, but at the revision in November, 1944 the limit up to which dearness allowance is given was raised from Rs. 40 per mensem to Rs. 75 per mensem and relief of Rs. 5 per mensem was allowed in this range.

(d) The Board of Trade index of prices stood at 167.2 in December, 1944, while the general index of prices, as worked out by the Economic Adviser to the Government of India, stood at 247.5 for the week ending 17th March, 1945.

(e) Attention is invited to my reply to starred question No. 481 given on the 16th November, 1944. The possibility of some further liberalisation of the existing scale of relief is at present under Government's consideration.

PROVINCIAL QUOTA FOR FILLING UP POSTS IN INFORMATION DEPARTMENT

†1761. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Information and Broadcasting please state whether any Provincial quota has been fixed for filling up posts in the Information Department and particularly in the All-India Radio?

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

(b) Is he aware that only the writers belonging to the progressive school are given a chance by the All-India Radio to broadcast their talks?

(c) Is he aware that these progressive writers stand for propaganda of literature and seek to suppress aesthetic beauties of literature?

(d) If the answer to above be in the affirmative, have Government considered the advisability of arranging the talks of writers who are interested in the aesthetic side of the literature?

The Honourable Sir Sultan Ahmed: (a) No.

(b) No. The policy of All India Radio in respect of broadcasts on literary subjects is that each station should, as far as and as faithfully as possible, reflect the linguistic and cultural conditions of the area concerned. In pursuance of this policy, writers of all 'Schools' of literature get their due share in All-India Radio broadcasts.

(c) All contributions to All India Radio programmes are subject to the same scrutiny and are judged by aesthetic standards. Such standards naturally taken into consideration all such desirable qualities in a literary work as good taste and literary merit, etc. Government are not aware of any deliberate attempt on the part of the writers in question to suppress the aesthetic beauties of literature.

(d) In view of the reply given to parts (b) and (c) the question does not arise.

COMPENSATION MONEY TO INHABITANTS OF VILLAGES OF AKHOLIA AND CHUNARU GHAT

1762. *Mr. Ananga Mohan Dam: Will the Defence Secretary be pleased to state:

(a) if the compensation money has been paid to the inhabitants of villages of Akholia and Chunarughat in the district of Sylhet, which were requisitioned by the Military Authorities under the Defence of India Rules in January 1944;

(b) if not the reasons for non-payment:

(c) the reasons for this delay on the part of Government; and

(d) if Government are aware of the fact that a poor Brahmin of village Akhalia died without any treatment for want of money, though Government owed him money as compensation for requisitioning his homestead and agriculture lands vacated by him?

Mr. Ram Ohandra: I have called for information from the Provincial Government and will place a statement on the table of the House in due course.

COMMON ROSTER OF SUPERINTENDENTS OF GENERAL HEADQUARTERS, AIR HEADQUARTERS, AND NAVAL HEADQUARTERS

1763. *Mr. Badri Dutt Pande: (a) Is the Honourable the Home Member aware that a common roster of Superintendents of the General Headquarters, Air Headquarters, and Naval Headquarters has been prepared, with a view to filling up the posts of Officer Supervisors and C. G. O.'s in those Headquarters? If so, whether it will debar the employees on the Civil Secretariat side from being considered for the higher appointments in those Headquarters. If so, why?

(b) Do Government propose to have a similar common roster for the Civil Secretariat as well for promotion to higher appointments in the Secretariat and debar the staff of the General Headquarters from such appointments?

Sir Richard Tottenham: (a) The reply to the first part of the question is in the affirmative. As regards the second part, members of the civil services in one Department have no claim to be considered for appointments in another Department. The maintenance of a common roster in Defence Headquarters does not, however, bar consideration of suitable candidates from outside the roster, provided that no suitable candidates are available in the roster and provided also that the civil Department is prepared to release the individual.

(b) No. Apart from what has been stated in reply to part (a) of the question, the proposal would be un-suitable for administrative reasons.

I would emphasise that the introduction of this common roster in Defence Headquarters has not affected in any way the previous position as regards the transfer on promotion of personnel between Civil and Military Departments.

INDIANS HOLDING COLONEL'S AND HIGHER RANKS

1764. *Mr. Badri Dutt Pande: Will the War Secretary please state the names and number of Indians who are holding the rank of full Colonels, Brigadiers and above these ranks in the technical branches of the Army i.e., I.M.E., M.E.S. and Ordnance?

Mr. C. M. Trivedi: No Indian has yet got sufficient seniority and experience for being selected for these high ranks in the technical branches of the army.

Mr. T. S. Avinashilingam Chettiar: May I know whether the same circumstances apply in England even in war time. Is it the case that deserving men who have distinguished themselves in war have not been appointed to these higher grades?

Mr. C. M. Trivedi: I suppose so.

Mr. T. S. Avinashilingam Chettiar: What is the number of years required for this?

Mr. C. M. Trivedi: One does not become a full Colonel till about 25 years' service.

Mr. Badri Dutt Pande: Are we to understand that no Indian is suitable for these posts?

Mr. C. M. Trivedi: I did not say that no Indian officer was suitable. I said that no Indian has got sufficient experience and seniority for being selected for these high ranks.

GOVERNMENT OF INDIA UNDER SECRETARIES NOT BELONGING TO REGULAR SERVICE

1765. *Mr. Badri Dutt Pande: (a) Will the Honourable the Home Member please state the number of Under Secretaries in different Departments of the Government of India who do not belong to any regular service, such as I.C.S., P.C.S., P.E.S., etc.?

(b) What are their qualifications, and what length of services has each of them got?

(c) What are the rules for recruitment to this class of appointment, of such persons who do not hold any substantive appointment under Government and are such officers at present working in different offices, and how were they recruited?

Sir Richard Tottenham: (a) and (b). A statement is laid on the table of the house.

(c) Appointments of Under Secretaries are made on the recommendation of the Selection Board. Under Secretaries are usually selected from among persons already holding a substantive Government appointment. Before appointing any person who does not hold such an appointment it is necessary to consult the Federal Public Service Commission unless the post is one created in connection with the war, emergency and the officer is appointed to it on a temporary basis.

Statement showing the number of Under Secretaries in the Government of India who do not belong to any of the regular services, their qualifications, length of service etc.

S. No.	Name	Qualification	Length of service
1	2	3	4
1	Mr. H. C. Sharma (E. H. & L. Department)	M. A. of the Punjab University, B. A. (Hons.) in Economics, Politics and Philosophy and in Agriculture of Oxford.	Eleven months.
2	Mr. B. G. Ghate (P. & D. Department)	M.A., LL.B., Ph. D. (Econ) London	Six years 7 months.
3	Mr. L. G. Mirchandani (War Department)	B.Sc. (Bom.), T.D. (London), Psy. D. (London), M.R.S.T. (London) and A.R.P.S. (London)	7½ months.
4	Dr. S. J. Ashgar (Defence Department)	B.A. (Cantab) (Natural Sciences Tripos); Ph.D. (Vienna) (Philo- sophy); Bar-at-Law.	One year and five months.

S. No.	Name	Qualification	Length of service
1	2	3	4
5	Mr. J. C. Taylor . (Supply Department)	M.A., B.Sc., (Glas.) .	3 years 7 months.
6	Mr. A. A. Said . (I. & C. S. Department)	M.A., LL.B. (Cantab) D.P.A. (Oxon.), Bar-at-Law.	One year 11 months.
7	Mr. T. C. Boyd . (I. & C. S. Department)	B.A. (Oxford), 2nd Class in the Honour School of Philosophy, Politics and Economics. Post graduate civil service course of London School of Economics.	One year.
8	Mr. D. R. H. F. Davis . (I. & C. S. Department)	M.A. (Cambridge 1st Class Honours in Oriental Languages LL.B. (London).	Eight months.
9	Mr. N. G. Abhyankar . (Food Department)	B.A. (Bombay University) with First Class Honours in Econo- mics. Awarded Cobden Club Medal by the Bombay Univer- sity, M.Sc. (Lond.).	2 years 9 months.
10	Mr. M. Shagil . (Commerce Department)	M.A., LL.B.	Six years 7 months.

PROMOTION OF SUPERINTENDENTS AND ASSISTANT SECRETARIES AS UNDER SECRETARIES

1766. *Mr. Badri Dutt Pande: (a) Will the Honourable the Home Member please state if he is aware that on account of occasional recruitment to these appointments from outside the services there is a great discontentment among the Secretariat staff who generally have long experience?

(b) What proportion has been set apart for those men who are working as Superintendents and Assistant Secretaries in different Departments for promotion to Under Secretaries' appointments?

(c) What are the reasons for not throwing open the Under Secretaries' appointments to the Secretariat staff?

(d) Does he propose to consider the desirability of reserving at least half of Under Secretaries' appointments in each Department for the Ministerial staff, at least for the duration of War if not permanently? If not, why not?

Sir Richard Tottenham: (a) (b), (c) and (d). It has recently been decided that ten posts of Under Secretary should be thrown open to members of the Imperial Secretariat Service.

Mr. T. S. Avinashilingam Chettiar: What is the total number of posts?

Sir Richard Tottenham: I am afraid I do not know. There is at least one Under Secretary in each Department!

DETENTION OF MR. SARAT CHANDRA BOSE AND LALA SHANKAR LAL

1767. *Mr. Sri Prakasa: Will the Honourable the Home Member be pleased to state:

(a) when the cases of Mr. Sarat Chandra Bose and Lala Shankar Lal were last reviewed and when they were last informed of the reasons for their detention;

(b) the amount that is spent per month on their detention camp and also the amount granted for their food, clothing and other necessities;

(c) if Government would consider the desirability of sending them nearer their homes and confining them in jails; and

(d) if their relatives including ladies are searched before they are allowed to interview them; and, if so, what arrangements Government have made for this search and what the manner is in which it is carried out?

Sir Richard Tottenham: (a) Mr. Sarat Chandra Bose and Lala Shankar Lal were informed of the reasons for their detention in February 1944. Their cases were last reviewed in December 1944.

(b) Approximately Rs. 2,000 p.m. is spent on the place of detention and Rs. 500 p.m. on their personal requirements.

(c) No.

(d) All persons who come to interview them are liable to be searched though in the case of ladies the search may be dispensed with. If it is necessary to search ladies it is done by two women searchers of good status.

Mr. Sri Prakasa: With reference to the Honourable Member's reply to part (b) of the question and in view of the heavy expense involved in keeping them where they are will not the Government consider the desirability of moving them nearer their homes as suggested in part (c) of the question?

Sir Richard Tottenham: There is no reason to believe that that would produce any reduction of expenditure.

Mr. Sri Prakasa: If I am not mistaken, the Honourable Member said that the approximate expense per month is about Rs. 2,500. Surely, in confining two persons in an ordinary jail nearer their homes, Delhi or Calcutta, would not cost so much.

Sir Richard Tottenham: The main expense lies in the renting of a special house for the purpose and I imagine that houses in Calcutta or anywhere like that would be more expensive than they are at Coonoor.

Mr. Sri Prakasa: Is it necessary to confine these two gentlemen in a separate house and not in the ordinary jail and is it not a fact that the house in which they are confined at the present moment is surrounded with wires which are charged with electricity?

Sir Richard Tottenham: As regards the first part of the Honourable Member's question, if we had not considered it necessary, it would not have been done. As regards the second part of the question, it is true that these two gentlemen are kept in a bungalow in Coonoor which is surrounded by barbed wire but I am sure there is no electricity in it.

Pandit Lakshmi Kanta Maitra: Did the Honourable Member say that they could not be transferred to Calcutta because of the higher rate of house-rent there? If so, is the Honourable Member aware that Mr. Sarat Chandra Bose has got his own residence in Calcutta and in Kurseong?

Sir Richard Tottenham: I did not say that. I was merely answering the Honourable Member's suggestion that it would save money to move him.

Mr. Sri Prakasa: In view of the fact that the expense involved is very heavy, will the Honourable Member consider the matter again and also in view of the fact that the security prisoners have to be informed every six months of the reasons of their detention now under the Ordinance and also in view of the fact that the Honourable Member informed them as far back as February 1944, will the Honourable Member give them a fresh notice of the reasons that have repelled the Government to keep them in detention?

Sir Richard Tottenham: Government are always prepared to consider anything and I will consider it again, but I do not think it will make any difference. As regards the second part of the question, I can see no point in repeating the same words every six months. We have already told these people the grounds for their detention and if we were to do so again, we should merely repeat what we have said before. That does not alter the fact that their cases are reviewed every six months.

Mr. Sri Prakasa: And they are not informed of the results of that review?

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

INCREASING OF ALLOWANCE TO FAMILY OF MR. SARAT CHANDRA BOSE

1768. ***Mr. Sri Prakasa:** Will the Honourable the Home Member be pleased to state:

(a) if members of the family of Mr. Sarat Chandra Bose have applied to Government for an increase of the allowance paid to them; and if Government have considered the matter; and

(b) if Government have contributed anything towards the insurance policies of Mr. Sarat Chandra Bose; and, if not, what arrangements have been made to keep the policies alive?

Sir Richard Tottenham: (a) Yes. The application was considered and rejected.

(b) Government are paying a monthly allowance of Rs. 1,000 to Mr. Bose's family but do not contribute towards his insurance policies and have no information of what arrangements have been made to keep them alive.

Mr. Sri Prakasa: In view of the fact that Mr. Sarat Chandra Bose's domestic expenses have been high, would not the Honourable Member consider the desirability of raising the allowance and also in view of the fact that these insurance policies are in danger of lapsing, will not the Government take steps to keep them alive?

Sir Richard Tottenham: I have already answered both those questions.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that Government paid all the premium expenses during his last detention?

Sir Richard Tottenham: I have no information about that. I would point out, however, that Mr. Sarat Chandra Bose seems to have invested nearly all his savings, which must have been very considerable, in life insurance policies instead of adopting the more usual procedure of investing them in securities. The number of his life policies is extremely large and it would be impossible for the Government to keep them all alive.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that a representation was actually made by his wife to the Government of India for this purpose?

Sir Richard Tottenham: Yes, I have already answered that question in part (a).

Mr. T. S. Avinashilingam Chettiar: If the Government considers that the number of insurance policies is large towards which they cannot contribute, will they consider the advisability of contributing towards part of that insurance, which they think is proper in the circumstances?

Sir Richard Tottenham: No, Sir.

Mr. Sri Prakasa: May I take it that the Honourable Member is unaware of the fact that past savings are not invested in life policies but that they are taken out with a view to invest future savings? The Honourable Member said that Mr. Sarat Chandra Bose must have invested his very large savings in life policies. But so far as I know, life policies are taken with a view to invest future savings and there is no arrangement with Life Insurance Companies to take past savings.

Sir Richard Tottenham: I am not an expert in Insurance, but I think all policies have a certain surrender value. What I was pointing out was that Mr. Bose had chosen one form of saving, whereas other people have chosen other forms of saving. If for instance, he had invested all his savings in Government loans, his family would have a very reasonable income today.

Mr. Sri Prakasa: I am sorry I have not been able to make myself understood. The Honourable Member says that Mr. Sarat Chandra Bose has invested all his savings in life policies, but so far as I know life policies are taken out with a view to invest future savings and that life policies have nothing to do with past savings at all.

(No answer.)

SECURITY PRISONERS UNDER CENTRAL GOVERNMENT

1769. **Mr. Sri Prakasa:** Will the Honourable the Home Member please give a list of security prisoners under the Central Government, the places of their detention, the amount of money spent on each of such prisoners, and the allowances, if any, made to their families. And have Government received any applications from the families of those not receiving anything that they are in need of such allowance, and from those receiving them that they are not able to manage, in the amount allowed? If so, what decision have Government taken in the matter?

Sir Richard Tottenham: I regret that for reasons of security it is not possible to give a list of the names and whereabouts of all persons detained by order of the Central Government. The amount of money spent on each person also cannot be stated as no individual accounts are kept. The families of six Central Security prisoners are in receipt of allowances ranging from Rs. 12 p. m. to Rs. 1,000 p.m. and other cases are at present under consideration. Government have from time to time received representations of the kind referred to, and have dealt with them in the light of the general principle that allowances should be granted not only in cases of absolute necessity but also in cases where the detention has deprived the family of a legitimate source of income or has caused them to fall into debt.

Mr. T. S. Avinashilingam Chettiar: What is the total number detained by the Central Government?

Sir Richard Tottenham: 37.

Mr. Sri Prakasa: Does the Honourable Member regard the figure 37 so large that details about them cannot be given?

Sir Richard Tottenham: I am quite prepared, if the Honourable Member wishes, to give details about a certain number of them. I said that I could not give a complete list.

Sardar Mangal Singh: May I ask if any family allowances are being given to the family of Sardar Sardul Singh Cavasheer?

Sir Richard Tottenham: No, Sir.

Sardar Mangal Singh: Was any application made by him?

Sir Richard Tottenham: I believe he applied in the past, but I should require notice of that.

BUSINESS CORRESPONDENCE OF MR. SHANKAR LAL

1770. ***Mr. Sri Prakasa:** Will the Honourable the Home Member be pleased to state:

(a) if it is a fact that Mr. Shankar Lal is permitted to carry on correspondence in connection with his business affairs, but that members of the family are not permitted to talk about business affairs when they interview him; and

(b) if so, the reason for this restriction; and if Government are prepared to consider the matter and remove the restriction?

Sir Richard Tottenham: (a) and (b). The attention of the Honourable Member is drawn to the reply given to question No. 730 on 6th March, 1945. The Home Member then promised to consider whether the restriction could, as a special case, be relaxed. I am afraid he was unable to complete his consideration of the case before leaving for England but I have no doubt that he will do so as soon as he returns.

Mr. Sri Prakasa: Will the Honourable Member in charge at present consider the matter before the Home Member comes back and place the case before him?

Sir Richard Tottenham: I have considered the matter very carefully. I have got certain recommendations to put before the Honourable the Home Member when he returns.

Mr. Sri Prakasa: May I know the exact reason for this difference made in interviews and in correspondence? While Mr. Shankar Lal is allowed to carry on correspondence on business matters, he is not allowed to talk to members of his family that are connected with his business on business matters?

Sir Richard Tottenham: I admit that the situation is a trifle anomalous. That is why the Home Member was prepared to reconsider it.

CONDITIONS FOR SUBMISSION OF APPLICATIONS FOR ACCOMMODATION BY NEW ENTRANTS IN GOVERNMENT SERVICE

1771. ***Mr. Kailash Bihari Lal:** Will the Honourable the Finance Member be pleased to state:

(a) whether it is a fact that newly appointed Government servants have to apply for Government accommodation on a prescribed form within one week from the date of their respective appointments;

(b) whether it is a fact that if the above conditions are not fulfilled, the new entrants are neither given compensatory house-rent nor the conveyance allowance for the remainder of the season:

(c) if the reply to (a) above be in the affirmative, whether, in view of the fact that the new entrants are not expected to know the rules and procedure governing the grant of the above-mentioned allowances; they are guided by the Departments where they are employed in the matter of filling up the prescribed form within one week of their respective appointments; if so, whether this procedure is followed in the Finance Department as well as in other Departments of the Government of India; and

(d) if the reply to the latter part of (c) above be in the negative whether Government propose to take steps to see that new entrants do not suffer any pecuniary loss for no fault of theirs?

Mr. K. G. Ambegaonkar: (a) Yes.

(b) Yes.

(c) The standing orders are that Departments should bring the relevant rule to the notice of new entrants within three days of their joining service. Certain cases have come to light in which the standing orders were not complied with.

(d) Yes.

Mr. Lalchand Navalrai: May I know from the Honourable Member with regard to new entrants who have already joined, without knowing about these Standing Orders, is the Honourable Member going to consider their cases and give them allowances or not?

Mr. K. G. Ambegaonkar: I said in reply to part (d) that the question was under consideration.

Mr. Lalchand Navalrai: This is a different question

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

CLERKS SENT ON DEPUTATION TO OTHER OFFICES FROM THE SUPPLY ACCOUNTS BRANCH, NEW DELHI

1772. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable the Finance Member please state:

(a) whether it is a fact that the Chief Controller of Supply Accounts, New Delhi, has spared some of his subordinates in the Supply Accounts Branch to serve on deputation in other Departments with prospects; if so, their number and conditions on which they had been spared;

(b) the increase in salary in their new offices; and

(c) whether any Muslim clerk applied to be so spared; if so, whether he was spared or not; if not, why not?

Mr. K. G. Ambegaonkar: (a) It is presumed that by "Subordinates" the Honourable Member means non-Gazetted staff. Excluding persons made available to the Supply Finance Department itself and to other Accounts Offices under it and persons transferred to the Office of the Controller of Rationing, Delhi, under the orders of the Home Department on their existing rates of pay, the Chief Controller of Supply Accounts has released 22 Subordinates between July 1940 and March 1945 for employment in other Departments.

(b) The increase in salary has varied in individual cases and has ranged from a few rupees to Rs. 100 p.m.; in two cases it was Rs. 150 and Rs. 230 respectively.

(c) Yes. 10 Muslim Clerks applied for posts in other Departments of whom 5 were spared. The remainder could not be spared.

ABSENCE OF MUSLIM PERSONNEL IN MILITARY ENGINEERING SERVICE IN BALUCHISTAN

1773. ***Mr. H. A. Sathar H. Essak Sait:** Will the War Secretary please state:

(a) whether he has read the letter published on page 2 of the *Dawn*, dated the 7th February, dealing with the complete absence of Muslim personnel even in the non-technical sections of the Military Engineering Service in Baluchistan;

(b) whether it is a fact that out of fourteen Head Clerks and fourteen Superintendents, Establishment Section, and ten Superintendents, Contract Section, not one is a Muslim;

(c) whether a few Muslims who were formerly employed in this service in Baluchistan were transferred; if so, why; and

(d) whether it is the policy of Government to have as few Muslims in the Baluchistan Government services as possible?

Mr. C. M. Trivedi: (a) and (b). I have read the letter but would point out that according to it four out of the fourteen Superintendents, Establishment Section, are Muslims. I would add that vacancies in the posts of Head Clerk and Superintendent are filled by selection on merit, and Muslims have an equal chance, with the employees of other communities in the matter of selection for these appointments.

(c) The conditions of service of civilian employees of the Military Engineer Services include liability to transfer wherever their services are required, and such transfers are continually taking place. If the Honourable Member would let me know the period during which he wants details of transfers of Muslims in the Military Engineer Services from Baluchistan, I should be glad to let him have the facts.

(d) No, Sir.

Mr. H. A. Sathar H. Essak Sait: Is it a fact that the result of these transfers is that there are no Muslims in a particular cadre?

Mr. C. M. Trivedi: Transfers are governed by considerations of public exigencies and they may have that result.

Seth Yusuf Abdoola Haroon: The other day, the Honourable Member for External Affairs Department said that selections are not made by Selection Committee but that they are made by Agent General, because the position in Baluchistan is different, but today the Honourable Member, Secretary for War Department comes to us and says that selections are made by the Selection Board. May I know from the Honourable Member whether it is the policy of the Government to change whenever they like?

Mr. C. M. Trivedi: I never said that vacancies in the posts of Head Clerk and Superintendents are filled by Selection Board.

LEGISLATIVE ASSEMBLY'S REFUSAL OF SUPPLIES TO THE EXECUTIVE COUNCIL

†1774. **Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member please state:

(a) whether the vote of this House—Refusal of supplies to the Executive Council this session—has been considered by the Executive Council; and

(b) if so, the result of the consideration?

Mr. K. G. Ambegaonkar: The Governor-General-in-Council has, under Section 67A (7) of the Government of India Act as set out in the Ninth Schedule of the Government of India Act, 1935, declared that Demand No. 12. Executive Council for 1945-46 is essential to the discharge of his responsibilities.

UNSTARRED QUESTIONS AND ANSWERS

PUBLIC RELATIONS DIRECTORATE

143. Sardar Mangal Singh: (a) Will the War Secretary please state the duties of the Public Relations Directorate, and when it was constituted?

(b) Is it one of the duties of the staff of this Directorate to cater for the Indian Army which is composed of members of different communities?

(c) Will he please state if representation to all the different communities has been given on their staff? If so, what is the proportion of different communities amongst the gazetted staff and others, separately?

Mr. C. M. Trivedi: (a) I would refer the Honourable Member to my reply to Mr. Manu Subedar's Starred Question No. 581 on the 1st March 1945, and the supplementary questions and answers arising therefrom.

(b) Yes, Sir.

†Answer to this question laid on the table, the questioner having exhausted his quota.

(c) The reply to the first part is in the affirmative. As regards the second part, I lay on the table a statement giving the percentages of different communities amongst officers and others.

	Europeans	Hindus	Muslims	Indian Christians	Sikhs	Others
Officers	54.5	17.8	18.8	4.5	2.8	1.6
Others	6.8	57.0	29.0	3.8	3.4	..

PROPAGANDA AND INSTRUCTIONAL FILMS

144. **Mr. Sri Prakasa:** Will the Honourable Member for Information and Broadcasting please state:

(a) the number of propaganda pictures that was scheduled to be produced by the film industry in India and the number that was actually produced;

(b) if it is a fact that a producer who produces more than two pictures during a licensing period is compelled to produce a third as a propaganda picture;

(c) the number of short instructional films produced by the Information Films of India and the number produced by outside agencies during the last year;

(d) average cost of production per short film of the Information Films of India and the rate offered to outside producers for each short film; and

(e) if the pictures produced by the Army Centre are not shown to civilians or to civilian censoring authorities; and, if so, why?

The Honourable Sir Sultan Ahmed: (a) During the period from September 1943 to December 1944, 33 full length instructional films were licensed. Out of this 13 full length films have been produced. The rest are under production. In addition, 60 shorts were scheduled to be licensed in 1944. 57 licences have already been issued and the remaining 3 will be issued as soon as certain information is received from the producers. Out of the shorts licensed, 21 have been completed and others are under production.

(b) A producer who gets a licence for three or four films has to produce his first film as an instructional film and a producer who gets a licence for more than four films has to produce his first and fourth films as instructional films.

(c) 49 instructional films were produced by the Information Films of India in 1944. The number produced by outside agencies was 5.

(d) It is difficult to work out the average cost of production of the shorts produced by Information Films of India as the production of shorts and news reels as well as for their distribution is done by a combined organisation. The rate offered to outside producers depends *inter alia* on the quality of the short and the extent of its use. For example, for a film of which only the right for internal distribution was purchased, the rate offered was Rs. 4 per foot; for 2 films which were acquired for internal as well as external distribution the rates were 8 and 9 Rs. per foot and two one-reeler films which could only be distributed to Hindustani cinemas, were bought for Rs. 8,000 each.

(e) Such of the Army Centre films as are considered suitable for the general public and are shown in licensed cinema houses are submitted for certification to the Civil Board of Censors. Films meant for troops only which are shown in unlicensed military cinemas do not require any certification from Board of Censors and are, therefore, not submitted to them for approval.

SHORT NOTICE QUESTION AND ANSWER

TREATMENT TO MR. ASAF ALI AT DELHI RAILWAY STATION ON WAY TO PUNJAB

Mr. Satya Narayan Sinha: (a) Will the Home Secretary please state why Mr. Asaf Ali, while passing through Delhi, was removed from the Delhi station after a short interval from the Retiring Room to an unknown place and was not allowed to meet even the few friends he desired?

(b) Is it a fact that he was not brought back to the Delhi Station and was entrained at Ghaziabad?

(c) Is it a fact that the people were put off by a false statement that he would be brought back to the Delhi Station in time to catch the Frontier mail?

(d) Is it a fact that at Ghaziabad he was not allowed even to give a completely non-political and personal message to Mr. Bhula Bhai Desai, the Leader of Opposition in the Central Assembly?

(e) Where and how was he kept during the day?

Sir Richard Tottenham: (a) and (e). It had been arranged that Mr. Asaf Ali should travel straight through to his destination without stopping at Delhi but on arrival here on the morning of April 5 the officer in charge of the escort was informed by the railway authorities that the party would have to change and go on by another train with the result that he had to spend the day in Delhi. He was travelling in custody and was therefore taken to the Civil Lines Police Station where suitable accommodation was provided for him. It would be most unusual to give permission for any person to interview a prisoner in transit and in this case no one had even asked for such permission.

(b) Yes.

(c) I have no information to that effect.

(d) The officer in charge of the escort had no authority to allow messages of any kind. If Mr. Asaf Ali wished to send a non-political message to Mr. Bhula-bhai Desai he could have sought permission from the proper authority while in Delhi.

Prof. N. G. Ranga: Who is the proper authority in Delhi whom Mr. Asaf Ali could have approached? Could Mr. Asaf Ali have reached him at all?

Sir Richard Tottenham: He could have approached the Chief Commissioner, Delhi, or he might even have approached me.

Prof. N. G. Ranga: Was Mr. Asaf Ali at liberty to engage a motor car and go to the Chief Commissioner? How was he expected to reach the Chief Commissioner, Delhi?

Sir Richard Tottenham: I understand that he did make representations to the Chief Commissioner about another matter while he was here.

Shrimati K. Radha Bai Subbarayan: May I ask whether Mr. Asaf Ali himself was informed that he could send a message by this means?

Sir Richard Tottenham: I do not know whether he was informed. He must have known that he could ask.

Prof. N. G. Ranga: What sort of convenience can there be when he is in police lock up? I myself have had experience of police lock up.

(No answer.)

MOTION FOR ADJOURNMENT

REFUSAL TO INDICATE GOVERNMENT VIEWS RE RECRUITMENT TO INDIAN CIVIL SERVICE AND INDIAN POLICE

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice of adjournment motion from Mr. Neogy. He desires to move the adjournment of the business of the Legislative Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the Government's refusal to indicate the views of the Governor General in Council on the question of recruitment to the Indian Civil Service and the Indian Police, and the repercussion of the policy of filling of 'war service vacancies' in these services on the future constitutional progress of India.

Does this refer to the reply to the short notice question which the Honourable Member asked the other day?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Yes, Sir. The Government Member said that the matter was under consideration and discussion, that is between the Government of India represented by the Home Member who is now in London and the Secretary of State for India. The point is that the Government of India have formulated certain views of their own and

they have communicated those views to the Secretary of State, and thereupon the Secretary of State wanted to consult the Home Member in person and that is how the Home Member and the Home Secretary were deputed to England. Then, Sir, I would refer to a supplementary question which was put by my Honourable friend to my right to the following effect:

"May I know if the Honourable Member will be in a position to divulge to this House whether any portion of instructions given to the Honourable the Home Member and the Home Secretary had provided against arrangements being made in such a manner as to prejudice the larger issue of India's ultimate control on her own officers?"

To this question, Sir Richard Tottenham said in reply "No, Sir". That is to say he was not in a position to divulge to this House the position. He did not even give an assurance to the effect that was suggested by my Honourable friend Mr. Krishnamachari, and that accounts for the second clause of my adjournment motion.

Sir Richard Tottenham (Government of India: Nominated Official): Sir, I can only say that I gave a carefully considered reply yesterday, and
 12 NOON it is a fact that I am not at liberty to disclose the views of the Governor General in Council, because those views are confidential. If I were to disclose them I should probably be dismissed and I shall also be liable to prosecution under the Defence of India Rules and a sentence of five years! But, Sir, I think I can take this opportunity to say that I am quite sure that neither the Secretary of State nor the Governor General in Council has the slightest wish by what is going on at present to prejudice in any way the future constitutional issue.

Mr. K. C. Neogy: Sir, I daresay my Honourable friend has made a mistake in thinking that anything that he may do here might involve him in some personal risk. When we address the Honourable Member we address him as representing the Government of India, and if the Government of India chooses to make a statement I am sure my Honourable friend will be immune from any action.

Mr. President (The Honourable Sir Abdur Rahim): The communication between the Government of India and the Secretary of State being confidential at this stage, I do not think this adjournment motion is in order. The motion is therefore disallowed.

RESTRICTIONS ON ISSUE OF RAILWAY TICKETS FOR ARDHA KUMBH MELA AT HARDWAR

Mr. President (The Honourable Sir Abdur Rahim): I have received another notice of adjournment from Mr. K. C. Neogy who wants to discuss "the onerous restrictions on the issue of railway tickets for journey to Hardwar on the occasion of the Ardha Kumbh Mela which begins on the 13th of April".

Will the Honourable Member please explain the position?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I understand certain restrictions have been imposed on traffic to Hardwar and its neighbourhood on the ground of public health requirements. Passengers travelling to that area are required to produce certificates of inoculation against cholera: I have no grievance against that, but in addition to that I understand passengers are required to satisfy the railway administration, either that they are not proceeding to that area in the capacity of pilgrims, or if they are going to that area as pilgrims, they must in addition to that inoculation certificate produce a sort of permit from district officers or other executive officers of Government. And it is on the production of these two documents, namely, the inoculation certificate, to which I do not take exception, and the permit, that tickets are issued. This has resulted in a very great grievance among Hindu pilgrims generally all over the country, and ordinary travellers also are being put to a lot of inconvenience.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, it is naturally a matter of extreme regret that we should not be able to provide the usual facilities to passengers wishing to travel to a mela of peculiar sanctity to a number of devout pilgrims. But we are not able to do this,

[Sir Edward Benthall.]

as the Honourable Member well knows, owing to the passenger transport position, and the effect that the diversion of transport to abnormally large crowds travelling to this one place would have upon other civil and military movements. We have also to take into account the danger arising from inevitable overcrowding of trains going to this destination and the question of public health. We have had for similar reasons to refuse facilities to the same and other communities for similar occasions. The restrictions are imposed for the reasons which I have given; and as for the inoculation. . . .

Mr. President (The Honourable Sir Abdur Rahim): He does not complain of that; what he objects to is the permit.

The Honourable Sir Edward Benthall: That is entirely at the discretion of the Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim): That is not done under the instruction of any authority here ?

The Honourable Sir Edward Benthall: No, Sir. In the case of the cholera injection, the order is imposed by the Provincial Government, and the railways are merely helping the Provincial Government to carry out their policy.

As regards general restrictions on the travel of abnormally large crowds such as these to places of worship or other occasions, there is no new policy involved. The policy is well known to the House and it was a matter of debate in this House last year, from a case arising in Madras, on the 28th February, 1944. In the circumstances I submit that there is nothing new in these restrictions, and that being so, it is not a matter of urgent public importance.

Mr. K. C. Neogy: Sir, may I say something further? My Honourable friend said that the restrictions had been imposed in the interest of the railway administration itself. Do I take it then that the restriction with regard to the permit has been imposed by the Provincial authorities at the instance of the railway administration? If that be my Honourable friend's case, I should like to point out that this restriction applies only in the case of passengers travelling to that area from the U. P. districts, that the other provinces have not imposed such restrictions, and that the only requirement in the case of pilgrims from other provinces is that they should produce an inoculation certificate.

The Honourable Sir Edward Benthall: Yes, Sir: this has been imposed in conjunction with the U. P. Government as the bulk of the pilgrims go from the U. P.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, may I say one word? A festival like this at Hardwar is very important and it falls only once in twelve years. As such it merits special consideration. But instead of affording extra travelling facilities, the railway authorities have withdrawn all possible facilities, and in the U. P. the railway station masters have received orders that they are to issue no tickets at all to any person proceeding to Hardwar for the purpose of pilgrimage. This is a very serious matter, and if my Honourable friend opposite, who is usually obliging, would at least withdraw the restrictions for the next two days so that passengers can proceed in time for the main day, viz, the 13th April, he would be bestowing a favour, if I may put it that way, because everything that Government does is a favour even though it may be our right. I may add that in case my Honourable friend says, "How did these pilgrims come in ancient times when there were no railways?", I can only say that all these methods of transport, including the favourite bullock-cart about which my Honourable friend waxed eloquent the other day, have all been destroyed, and therefore we have to depend entirely on the railways for our transport.

The Honourable Sir Edward Benthall: If I might just say with regard to what my Honourable friend has said, we are, as I said at the beginning, aware of the peculiar desire of the people to go to this festival. But we have had, for the reasons which I have explained and the extreme shortage of rolling stock, to make it difficult for people to go there. We are perfectly aware that they will find their way to neighbouring stations and so onwards by other means of transport, and we expect a good number of people to reach there. We are

therefore trying to make special arrangements for stock to remove them at the end of the mela, especially in view of the danger of cholera. I think it is going to be impossible to provide rolling stock to carry more to Hardwar for the last day or two, but, if we did, those who were fortunate enough to take advantage of the special arrangements would reach Hardwar in preference to those previously shut out.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member making some special arrangement?

The Honourable Sir Edward Benthall: All I can promise the Honourable Member is that I will look into the possibility of clearing any accumulations of pilgrims on the way to Hardwar in the course of the next day or two.

Mr. K. C. Neogy: Immediately?

The Honourable Sir Edward Benthall: I will look into the possibility of that. The Honourable Member will recognize that the whole difficulty arises through the shortage of rolling stock. He would not wish us to take off the ordinary trains from Delhi, for instance, in order to help the pilgrims to go to Hardwar.

Mr. Sri Prakasa: Is it not a fact that the ordinary trains are going empty because no tickets are being issued?

The Honourable Sir Edward Benthall: I think not.

Mr. Sri Prakasa: It is so.

The Honourable Sir Edward Benthall: But this is no new question of policy. It has been before the House on many occasions.

Mr. President (The Honourable Sir Abdur Rahim): Has this restriction in U. P. been imposed this year?

The Honourable Sir Edward Benthall: This restriction has existed ever since 1942, if not before.

Mr. Sri Prakasa: What about District Magistrates' permits?

The Honourable Sir Edward Benthall: The same conditions had arisen in connection with the Sikh mela and I seem to remember a discussion on that subject. Sardar Sant Singh will recall the occasion.

Mr. Sri Prakasa: The District Magistrates were never authorized to the extent as they have been authorized in the United Provinces this time.

The Honourable Sir Edward Benthall: I think it was exactly the same.

Mr. President (The Honourable Sir Abdur Rahim): There have been certain restrictions imposed in the shape of requiring licences or permits from the local authorities for passengers who want to go to Hardwar in order to attend the mela and it is certainly a matter of importance. The statement made by the Honourable the War Transport Member indicates that owing to the shortage of wagons and other difficulties, which are due to the exigencies of war, restrictions have to be imposed on the number of passengers travelling especially from the United Provinces from where a large number of pilgrims go to Hardwar. He contends that the restrictions are not new and they have existed since 1942. But Mr. Neogy's complaint is that this year a special restriction has been imposed which very much inconveniences the pilgrims. I hold, therefore, that the motion is in order. But as objection has been raised to leave being granted, those Members who are for leave being granted will rise in their seats.

(After a count being taken)

As more than 25 Members have risen in their places, leave is granted and the motion will be taken up at 4 o'clock.

THE BANKING COMPANIES BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the Bill to consolidate and amend the law relating to banking companies. Mr. Yusuf Haroon will continue his speech.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Mr. President, I was yesterday referring to this important Legislation which is before the House. My Honourable friend, Mr. Manu Subedar, who is not here at present,

[Seth Yusuf Abdoola Haroon.]

said that this legislation is an outcome of the British influence. I would have assured my Honourable friend that I am as much against the British influence as he is, but that does not mean that an important legislation which might be of benefit to this country should be brushed aside on that score. We should try to improve that legislation by our combined efforts, and having done that we should place the improved legislation on the Statute Book.

Sir, the urgency of such legislation has become great because of the haphazard way in which new banks have grown up during the last four or five years, and it has become necessary that there should be some check over them. I find from the Bill that Government has taken more power as regards control and inspection without undertaking the obligation to aid such smaller banks or to finance them or to give them the necessary assistance if the banks are in difficulty. This is very important. When you take power for inspection and for looking into the affairs of these concerns, it becomes very necessary to give them such aid as they stand in need of. It might happen that in certain cases the banks, to which you may give your aid, may not survive, but you have got a vast machinery a vast organisation in the Reserve Bank to look after them, and therefore in the Select Committee I propose to move an amendment to this clause.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, I rise to a point of order. There is no Member of the Government present in the House.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): An "Assistant" Member is present!

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): This is a Government Bill and is it not desirable that Government Member should be present?

Mr. President (The Honourable Sir Abdur Rahim): Mr. Ram Nath is there to reply, I understand.

Seth Yusuf Abdoola Haroon: Sir George Schuster, one of our Finance Members, speaking in this House, said that the smaller banks are a source of relief and are of great help to this country. In this vast country it is not possible for the big banks to establish their branches all over, but I find that Government has not moved in this matter. In order to encourage the growth of smaller banks which are comparatively in their infancy in this country, Government should bring forward suitable legislation before this House so that the economic needs for the growth of commerce, agriculture and industry in this country may be adequately met. As far as I remember, the Reserve Bank of India took up this matter in 1937 and drafted a scheme for the linking up of indigenous banks. The differences between the Reserve Bank and the indigenous banks narrowed down considerably, and the Bombay Shroffs' Association accepted the proposals of the Government. The Reserve Bank then called a conference of these bankers and the scheme was accepted with the modification that the Reserve Bank should fix five years' time within which period the indigenous banks should be asked to wind up other business.

I thought, that scheme would be added to this Bill but I find it nowhere. I am unaware of the intentions of the Government as to why they have shelved this question. They should have brought this scheme along with this Bill. What is the use of bringing this piece-meal legislation to this House? My friends have emphasized rightly that Government always bring piece-meal legislation and therefore there is a suspicion in their minds. Why do you allow such suspicion? Why don't you make it clear that the Bill which is before the House will later on contain this scheme, or if the Government were proposing to bring the scheme before the House you should have made this clear at the outset. It is a very important clause which is bound to bring about various complications in the development of joint banks in India where there has been so much discrimination between banks of British India and the States. It would be practically impossible for the banks which have been established in the States to establish their offices in British India. How would

they comply with the rules and regulations? If you start imposing such restrictions then you are simply crushing those banks which have established themselves in the States, or you are driving them to come away from their established places. But I cannot understand that while there is so much discrimination between the State banks and the banks in British India, you should give every facility to the banks which have been incorporated in the United Kingdom. I would like to know why the Government is feeling shy in putting these restrictions on them. It may be, Sir, that there are difficulties in bringing such legislation but ways should be found out to overcome such difficulties. There was a scheme before the Banking Enquiry Committee which had stated that the Government of India should take early steps in asking these banks who have established themselves in foreign countries to have Indian Directors who are *bona fide* Indians. It is high time that Government should consider this proposal brought by the Banking Enquiry Committee. The Banking Enquiry Committee had very strongly emphasized

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): On a point of order. There is no quorum in the House!

(The bell was rung and the quorum obtained.)

Mr. President (The Honourable Sir Abdur Rahim): There is a quorum now. The Honourable Member can proceed with his speech.

Seth Yusuf Abdool-Haroon: Sir, I was referring to the Banking Enquiry Committee report. I must submit to the Government that they should look into this and bring about some legislation whereby it would be possible for Government to insist upon these foreign banks to include Indian Directors for their Indian business. I am sure, the Honourable Member will have some reply regarding this.

I must say that clause 16 which has been brought up by Government is a very important clause. I am convinced that the banking customers would feel easier about the safety of their money now if an absolute ban on loans to Directors or to their proprietary concerns were enacted. This measure will surely not deprive the bankers of their provision mentioned above in the note by the Honourable the Finance Member. People in India whether rightly or wrongly distrust any such transactions which are made between the bank and their Directors and we have seen that a bank failure is due mainly to this. In this connection I must refer, Sir, to one of the opinions of the British Exchange Bank in Calcutta which, while opposing the clause, says: "A director who is prepared improperly to use his position for his own advantage will not fail to find a method by which the provisions of the section can be evaded and the proposed section will in our opinion quite unnecessarily interfere with long established safe and satisfactory business."

It clearly shows from this that the bankers are opposed to this mainly in the interest of their directors and this clause confirms that it is very necessary and it is essential that such a ban should be put in. But I would like to ask my Honourable friend as to what he proposes regarding those directors who are the directors of limited companies also and who have their interest not in one concern, but in hundreds of concerns. I think if an amendment or a clause is added here that those companies which are public limited companies can be excluded from this clause, this will at least meet the objection which has been raised by the bankers all over India. I am strongly of opinion that as this clause is very necessary, it should remain intact: rather if we could improve on this in the Select Committee it should be done.

Sir, I would like to refer to one or two other important things. The patronage which has been extended by the Reserve Bank to the Imperial Bank should now be curtailed, in view of this important legislation which is being brought, and as you have now right of inspection and auditing of the work of banks, which my friend would not like. But when you are bringing this important measure, that will mean the safety of the banks and the work of Indian banks will progress, so that the patronage which is extended to the Imperial Bank should be extended to the Indian banks also. I do not mean all the banks but I mean those banks which are well established banks

[Seth Yusuf Abdoola Haroon.]

throughout India and they should be given their due legitimate share of patronage. As my friends Mr. Manu Subedar and Mr. Das said the other day, what we find is that the Reserve Bank which we thought or which the framers of that bill thought to be a national bank is now being turned into a monopoly concern. Shares are being sold in the Bombay market and are being bought by the capitalists and these capitalists are trying to monopolise this bank. I am sure that this is not only causing anxiety in the minds of us here but it is also causing anxiety all over India. I ask are you going to allow this Bank to become the monopoly of a few capitalists? Are you going to allow this Bank to be the concern of a few people who in their own interests would like to exploit this country? May I ask what were the functions of this bank when they brought this measure before this House. When you issued these shares, why did you not propose that no single man will have more than . . .

Mr. Ram Nath (Government of India: Nominated Official): May I take this opportunity of pointing out that under section 4 of the Reserve Bank of India Act a limitation has been placed on the total amount of shares that any one person can hold. That limit is Rs. 20,000.

Seth Yusuf Abdoola Haroon: My Honourable friend is reminding me of what he thinks I am not aware of. I have that Act and I have that point before me. I ask him can he deny this, that if I have Rs. 20,000 worth of shares, my brothers, my office servants or any member of my office staff can have each as much worth of shares. May I ask the Honourable Member whether he is prepared to bring an amendment to this clause that in the election of a director of a banking company or of auditors to a banking company each shareholder registered in the books of the banking company as having more than five shares shall have one vote for each five shares but subject to a maximum of votes and such vote may be exercised by proxy appointed on each occasion for that purpose, the proxy being himself a shareholder entitled to vote at the election and not being an employee of the banking company. Keep a restriction and fix the maximum of ten votes. If you do not do this I warn you now that you are allowing this important bank which you call a national bank to go into the hands of a few individuals. Those few individuals or capitalists are the same to us as you on the opposite side of the House. We feel the same about them as we feel about you. I hope that you will not overlook this matter and that you will consider it carefully.

There are other points which I would like to bring before this Honourable House but being a member myself of the Select Committee, I will place those points before the committee for consideration. But what I want is that this legislation which you have brought is not a complete one. It is not beneficial to this country and to the banks. We want legislation of a complete nature. I know that Sir Jeremy Raisman is leaving this country today. I must admit that really he has brought a legislation which will be useful or on which we might improve. We owe to him much more than what we owe to any Indian Member sitting on the other side. He has really done some service and I must really congratulate him on this piece of work. I hope that this Bill will emerge from the Select Committee in a complete form, so that a new era will start in the history of banking in India. Sir, I have done and I support the measure.

Mr. Akh'tl Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I support this motion for reference to Select Committee, although I must confess that I cannot induce myself to do so wholeheartedly. While supporting the circulation motion in November last I gave general support to the principles of the Bill as far as they go. But I bitterly complained of the serious omissions and other shortcomings. Now, the opinions have come. I have studied the opinions carefully, and having done so I ask myself, how has the Bill been received in the country? My conclusion is that the Bill has got a very cold reception. As the Honourable Mover of the Bill has said, it is opposed by banks, big and small—opposed not only by the small banks

but also by the big banks. That proves conclusively that this measure is of a highly controversial character. I should like to add that it has been opposed not only by the banks affected, big and small, but it has been opposed even by the Imperial Bank. That opinion is so clear that I may be allowed to read one or two extracts. In their letter to the Government of India, the Imperial Bank says:

"To us it seems that inexperience, lack of business acumen and failure to appreciate the accepted canons of sound finance can never be remedied by legislation. It is also patent that, though legislation may act as a deterrent to dishonesty, it cannot prevent it."

Then it goes on to say:

"In fact, we see nothing in part II of the draft Bill which would have prevented any of the past banking failures in this country."

Then comes a statement of extreme importance in this connection:

"Compared with other parts of the world, joint stock banking in India is in its infancy, and we consider that the interests of the development of the banking system are best served by leaving it as free as possible from legal restrictions. In other words, we share the view that banking practice should be allowed to develop on convention rather than on legislation."

Then they say:

"Further, is it equitable that sound banking institutions, built up over a long period by honest, diligent and cautious management should be restricted in their activities in order that a questionable check may be placed on small inexperienced concerns?"

That is the opinion, the unbiassed opinion, of a disinterested bank. The Imperial Bank is not affected by this Bill. The Imperial Bank cannot be accused of any prejudice either against the Reserve Bank or against the Government of India. It cannot be accused of being influenced by any political considerations. Therefore their opinion is of extreme value. As regards control of banks. I am not against it. I am for control. The whole question is, how that control should be exercised, who should exercise it, in what manner these controls should be evolved? Will it be evolved by a natural steady process of evolution, by the establishment of conventions, or by legislations? That is the whole question. It is a very moot and fundamental question as to in what manner the control should be exercised over the banks. Between these two alternatives of legislation and convention, so far as the Imperial Bank is concerned, it declares itself definitely and decidedly for convention, as opposed to legislation. Here are the two principal banks of India—the Reserve Bank and the Imperial Bank. The Reserve Bank says "You accept this Bill", and the Imperial Bank says "Reject it." That is the position, as regards this particular Bill before us. The Imperial Bank as my friend said yesterday is imperial. In fact it is imperialistic in its views, tendency and tradition; and yet the Imperial Bank has opposed this Bill. Therefore the question should not be very lightly discussed but should be gone into very carefully. That is one fundamental objection to this Bill.

Our second objection is that this Bill is not a comprehensive piece of legislation. I am for banking legislation, but it must be quite comprehensive legislation. The whole country has been demanding for a comprehensive legislation now for over half a century beginning right from 1890, the time of the first industrial conference. All the time the demand is for a comprehensive legislation and not for piece-meal legislation. That was the recommendation also of the Banking Inquiry Committee. My complaint is that this Bill is not a comprehensive legislation at all. It does not touch the fringe of the banking problems which have been waiting for solution all this half a century. It is not comprehensive in a two fold sense. It is not comprehensive because it does not legislate for all these credit institutions of the country; it is also not comprehensive because it does not legislate for all the various forms of activities of banking. It is extremely narrow in its scope, and that is an objection to the Bill which has been taken in many quarters. Now, the Imperial Bank has been excluded. So also co-operative societies, Indigenous Bankers etc

I shall now invite the attention of the House to some very important omissions in the Bill. There is no provision in the Bill to protect Indian banks against unequal competition of foreign banks. It is a question of life and death

[Mr. Akhil Chandra Datta.]

to our Indian banks, especially to the small banks. There is absolutely no provision anywhere in the Bill for their protection. A still greater objection is this, that in going into the whole question of banking, there was a Banking Inquiry Committee in 1930-31: the whole question was gone into on that occasion and after a great deal of labour they submitted a report in 1931 with as many as 220 recommendations. It is a most remarkable feature of this Bill that this banking legislation, the first banking legislation after that report, in 1931, has ignored completely all the recommendations of that Enquiry Committee. In fact the report of that Enquiry Committee has been thrown into the dust-bin or the waste paper basket by this Bill. It is a pity that important investigations on very important matters should be so lightly dealt with by the Government. I feel justified in saying that it is a regular scandal that while this banking legislation is being introduced for the first time the recommendations of the Enquiry Committee have been completely ignored. It is really an insult to that Committee, it is an insult to the Government who appointed that Committee.

The next important omission is this. There is no provision in the Bill for the development of India's Trade, Commerce, Industry or Agriculture and even development of a Banking system. The main theme of this Bill is as to how to develop the banking system of this country but there is no provision here on that.

Coming to the avowed object of this Bill, namely, the protection of the depositors, may I on this point invite the attention of the House to the fact that only depositors of one type of banks are sought to be protected by this Bill and not the depositors of other credit societies such as industrial concerns, industrial banks, indigenous bankers, co-operative societies and other credit societies. Therefore the protection afforded to depositors is of an extremely limited character. It covers only a fraction of the depositors of this country. So much for the quantity of protection given to the depositors. As regards the quality of protection given to the depositors, the protection is very inadequate, because the provisions of the Bill are essentially of a punitive character and not preventive. If some thing is done to the detriment of the depositors, then the Reserve Bank comes in to take action but before the commission of those mistakes, the Reserve Bank is not to be found anywhere in the provisions of the Bill. There is some protection of a very limited character provided for the depositors. My complaint is that protection against ignorance and inexperience of management is not provided for. Some sort of machinery is necessary to impart education to the banks. This responsibility must be imposed on the Reserve Bank. The Reserve Bank should have a sort of consulting expert who should go round and advise the banks on the question of management, on the question of policy, on the question of investment, on the system of accounts and so on. I maintain that this should be a statutory obligation imposed on the Reserve Bank, namely, the task of educating the smaller banks. (*An Honourable Member*: "We will do it in the Select Committee".) I hope that the Select Committee would attend to this. Another thing which strikes me is that frauds are becoming more and more frequent. A number of frauds have been committed recently on the banks. Recently a big fraud in Calcutta involved some Indian banks to the extent of about half a crore. I wonder if the Reserve Bank has ever cared to think of these cases of frauds and cared to think out as to how a provision can be made in this Bill for the prevention of these frauds.

There is another thing about which there should have been a provision if you really cared for the protection of the depositors and it is this. There should be protection against accidents, namely, burglary, loss in transit, embezzlement of officers and so on. It must be admitted, even the Reserve Bank must admit, that the management, however sound, cannot possibly avoid accidents. Every day they occur. I therefore suggest that there should be provision for compulsory insurance to be provided in the Bill against fire in godowns, loss in transit and so on.

I also suggest provisions for protection against offences of individual bank officers. Although the bank management may be watchful, some mischief may be done in a distant branch. To prevent that, there should be provision for strengthening the hands of the management by making provision for deterrent punishment against offences such as defalcation, unsanctioned advances and transactions involving loss to the bank.

I also say that there should have been some provision in the Bill which might be helpful to the banks in other directions. Do not make it for Heaven's sake a one-sided legislation. Here in this Bill the provisions are all on the side of control and interference and none in the form of assistance, advice and education. Why not let them have better remittance facilities from the Reserve Bank or from the treasuries and sub-treasuries? There should be some provision for sparing them from the necessity to keep large sums of money as cash in hand. The Reserve Bank should undertake arrangements for custody of cash in treasuries and sub-treasuries. This is a source of immense difficulty for the small banks and branches of banks in the mofussil. There are many other ways in which you could help the banks. For instance, you could give the Indian banks deposits of Government, local bodies, municipalities, district boards and not merely to the Imperial Bank.

So much about the protection given and the protection not given in the Bill. The point that I want to make is this. Unless this Bill is made a comprehensive Bill, I say there is no necessity for this Bill at all. And my reasons are these. So far as the protection of depositors is concerned, you have it in the Companies Act. That is a sufficient protection, though not full, of the interests of the depositors.

Now, Sir, too much is made of investigation and inspection in this Bill but there is that provision in the Companies Act also. You might improve it if you like by a suitable amendment, but you cannot say that this provision is not there. Then, there is a provision for the suspension of business and the liquidation of business. But all these provisions for the protection of the depositors are there in the Companies Act also. One thing I should like to say here. A fine distinction has been made by the Honourable Mover of the Bill between the interests of the shareholders and the interests of the depositors. It is said that so far as the shareholders are concerned, protection is given to them by the Companies Act and there is no provision for the protection of the depositors. I say that that is a completely mistaken view. The Companies Act gives protection to all. There is a separate Chapter in the Companies Act which is meant exclusively for the banks. But so far as the protection of the depositors is concerned, my contention is that that was provided for in that particular Chapter. I forget its number, but that Chapter deals with banking companies. Therefore, there is no necessity for this unless you have a comprehensive legislation on banking solving all the different problems—problems relating to the country's Industry, Trade, Commerce and Agriculture. If you do not do that, there is no need for a separate Bill for the protection of depositors. I am not quite sure but so far as I know there is no country in the world where there is a separate and exclusive Bill for the protection of depositors only. I should like to know if there is any such provision anywhere.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, the Government is minus the Finance Department and the Leader of the House cannot speak for the Finance Department.

The Honourable Sir Sultan Ahmed (Leader of the House): You do not know Mr. Ram Nath is a Member of the Assembly.

Mr. B. Das: But he cannot speak for the Finance Department. How can he answer on behalf of the Government of India?

The Honourable Sir Sultan Ahmed: There is another representative of the Finance Department. He was sworn in today.

Mr. Akhil Chandra Datta: Sir, my contention is this that there is no conflict of interest so far as the law is concerned between the shareholders and the

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depositors. If a depositor is not safe, the shareholder also is not safe. They sink or swim together. Sir Nripendra Sircar was a giant of the Legislature and it was he who made the provisions for the depositors in the Companies Act. Are we to understand that while providing for the interests of the shareholders, he completely forgot the interests of the depositors? That is a distinction which cannot be defended and therefore there is no necessity for an exclusive Bill. In that case, you might have called it the Depositors' Protection Bill. It is a misnomer to call it the banking legislation and to give it the dignified name of consolidating and amending the banking law.

Now, Sir, in the speech of the Honourable Member we were told the necessities for this legislation. He was telling us that there was a demand for a comprehensive legislation. He said that the demand was there when the Inquiry Committee met and that demand was intensified during the last four or five years. Yes, when the actual provisions are examined, there is absolutely no provision at all except a few provisions for the protection of depositors only. Therefore, my contention is that the real object of this Bill is to give some power and control to the Reserve Bank. That is the mere object of this Bill. This Bill has been drafted by the Reserve Bank; it is a Reserve Bank Bill. It is not a Bill of the Government of India at all. I wonder if after receiving the draft Bill from the Reserve Bank the Government of India have changed a single comma or semi-colon in it. The draft is so bad that I cannot imagine it could have been sent to this House if it was properly looked into by the Government of India. Therefore, my Honourable friend Mr. B. Das was right in characterising it as a Reserve Bank Consolidation Bill. In essence, on a close analysis, it appears that the provisions of Chapter XA of the Companies law have bodily been produced in this Bill—some verbatim, some with slight modifications have been made here and there but wherever there has been any modification it has been of an extremely controversial character.

Now, there are no doubt some new provisions such as the licensing of companies. This could be more appropriately done by the amendment of the Companies Act rather than by this so-called comprehensive legislation. The real object of this Bill is to give more power and more control to the Reserve Bank and the effect is also the same. Therefore, if the object of the Bill and also the effect of the Bill are to give more power and more control to the Reserve Bank, then the very pertinent question arises as to whether there is any justification for this and whether the Reserve Bank deserve all these new powers? That is the most pertinent question which must be answered before we give these powers to the Reserve Bank. The question resolves itself into this: what is the record of its service to the country as a whole and to the banks in particular. This is a Bill intended to give powers to the Reserve Bank and therefore it is certainly pertinent to consider whether the Reserve Bank deserves those powers. As regards the services rendered by the Reserve Bank during the past ten years, I put a question to the Honourable the Finance Member which he refused to answer. As far as I know there is no account given in any literature as to the quality and quantity of services rendered by the Reserve Bank to this country or to the banks. My Honourable friend Mr. Das repudiated the other day the claim of the Reserve Bank for control and power over banks. He gave four categorical grounds for his position, firstly that the Reserve Bank is not a national bank, secondly that the people of the country have no voice, the scheduled banks have no representation, thirdly, that the statutory obligations which were cast upon the Reserve Bank by the Reserve Bank Act have not been discharged, and fourthly, the Reserve Bank has been tried for the last ten years and it has been found wanting. That is the verdict of my friend Mr. Das, and the value of his verdict is enhanced by the fact that he was a party to that legislation, namely the Reserve Bank Act. Mr. Das has been supported since by Mr. Manu Subedar, and today both of them have been supported by Mr. Abdoola Haroon. The question I want to ask is this. Whose bank is this? If it is a shareholders bank

controlled by share-holders, I wonder why all the other banks in the country should be controlled by the Reserve Bank. They are not share-holders in the Reserve Bank as in America and they have no representation or voice in the administration of the Reserve Bank. Besides, we know that the Reserve Bank is not fully representative of the different economic and territorial interests of India. In answer to my question, the other day, the Honourable the Finance Member admitted that the number of shareholders in certain registers are gradually decreasing and that the number of shares on the Bombay register is steadily increasing at the expense of other provinces. That is indicative of a tendency to concentrate shares in fewer hands and thereby make the Reserve Bank less and less representative. This has been emphasised today by Mr. Haroon. To my mind it appears that the Reserve Bank though normally a shareholders bank, even as a shareholders bank it is controlled by the Government through the executive officers who are nominated by the Government. Our grievance is that the Government have adopted an intreguing policy *vis-a-vis* the Reserve Bank in matters concerning banks. The Government have delegated practically all powers to the Reserve Bank and absolved themselves of all responsibilities in regard to all matters so far as banks are concerned. On the contrary in matters of national policy of credit and currency, the Reserve Bank is subservient to the Government of India.

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

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the chair.

Mr. Akhil Chandra Datta: Sir, I was making the point that the Reserve Bank is not a national bank and therefore we cannot give more powers to it, because we know that it is the executive which runs the show. Therefore the Government can well afford to say to us, "Well, the Reserve Bank is your central bank and as such the best guardian of banking affairs in India". Unfortunately we have not that faith in the Reserve Bank as a national bank, as it is now constituted and administered. My Honourable friends Messrs. B. Das and Manu Subedar have dealt with this aspect of the question at great length and I shall only say that I find myself unable to disagree with their views.

Now, Sir, while considering the claims of the Reserve Bank for new powers and new controls I should like to ask what has been its contribution to the development of trade, industry and agriculture of this country. What have been its activities in all these ten long years from 1934 to 1945. The Honourable Mover said that the financing agents of trade and industry banks play a vital part in the economic and financial life of the country. That is a perfectly true description of the position of banks. I do not quarrel with it, I accept it. But judged by this standard I must say that the Reserve Bank has failed to do its duty. Section 55 of the Reserve Bank Act deliberately imposed some great responsibility upon the Reserve Bank. Although it has been quoted by others I shall take the liberty of quoting it again because I want to draw the attention of the House to the very strict words in which that responsibility was imposed. Section 55 says:

"The Bank shall, at the earliest practicable date, and in any case within three years from the date when this chapter comes into force, make to the Governor General in Council a report with proposals, if it thinks fit, for legislation on the following matters:

* * * * *

Extension of the provision of this Act relating to scheduled banks to persons and firms not being scheduled banks engaged in British India in the business of banking."

This is a provision which was obligatory on the Bank. It is a statutory obligation which has not yet been discharged: They say that some efforts were made but the outstanding fact remains that it has not yet been done.

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I do not know if any definite proposals have been formulated, but we need not speculate about it at all. The fact remains that that obligation has not yet been discharged. The time given was three years and the provision was imperative and obligatory; still it was not done.

Sir, it is a matter of profound regret that that problem has not only been solved before but even in this Bill no attempt has been made to tackle that problem. I therefore say that the Reserve Bank is not a central bank in its true sense. That is not my opinion. Even according to the dictum of Sir George Schuster—whom I may describe as the father of the Reserve Bank Act because he brought into being the Reserve Bank—according to his dictum very strongly expressed, that provision of section 55 has not been applied yet. Therefore the Reserve Bank is not a central bank in the true sense of the term.

Then, Sir, there is another statutory responsibility and obligation contained in section 54 which has not yet been discharged. There is of course an agricultural credit department there but my contention is that they did not do anything to develop it. It is a huge joke; the department is a camouflage and an eye-wash, if not an absolute fraud on the public. The real question is, has agriculture received any benefit from the Reserve Bank? That is the acid test. As regards agriculture, is it in any better position in 1945 than it was in 1934? Has the Reserve Bank got any responsibility, direct or indirect, positive or negative, in the matter of the food shortage of India and in the production of food in India? On the contrary the provisions of this Bill and the main object of this Bill are described as safety and ready withdrawability. That means that they can give a go-bye to trade, industry and agriculture.

Sir, I was dealing with the services of the Reserve Bank to the country as a whole. Let me say a few words as regards their services to the existing scheduled and other banks. Has the Reserve Bank taken any actual step to educate the small banks and give them proper training? Is there any machinery, any trained personnel, to guide and advise the banks? Has it even got so much as a manual of instructions issued to the banks as regards advances and investment, as regards the system of accounts, and so on? Has there been any examination by the Reserve Bank of any scheduled bank except when the Reserve Bank suspects that the affairs of that bank have gone wrong, any inspection as a preventive measure as distinguished from a punitive measure?

In regard to remittance facilities and cash custody facilities, the service of Reserve Bank is as miserly as it can be.

It is claimed that financial accommodation has been given in some cases to scheduled banks. What is that accommodation? The financial accommodation is given on the security of Government paper. That is the service which this Reserve Bank is rendering. That is no service at all. Any other bank will give that accommodation on the security of approved papers. I support the suggestion made by several Honourable Members for the necessary amendment of Section 17 of the Reserve Bank of India Act.

My Honourable friend, Mr. Desai, has described the failure of some banks. Why do you allow some banks to collapse? Why could not the Government come to the rescue of these banks? They are mere sight-seers. Mr. Desai has told us at some length about the reason of the failure of these banks—speculation, mismanagement and so on. I should like to know whether even after the failure of banks it has ever occurred to the Reserve Bank to give any instructions or a warning to the other banks in the light of those failures so that they may not commit those mistakes. Even that much has not been done by the Reserve Bank. Is exclusion a Holwell's pill—a sovereign remedy? May I know how does exclusion protect depositors?

Another test about the efficiency of the Reserve Bank was laid down by the Central Banking Enquiry Committee. That test is this: Has it inspired and earned the confidence of the existing banks by methods of sympathy and support and advice and assistance? That is another test as regards the success or failure of the Reserve Bank.

I propose to say a few words about the interest-free statutory deposits by Scheduled Banks of the Reserve Bank. Huge amounts of money are taken from people as interest-free deposits and they are allowed to lie there idle without bringing any interest. There is no direct benefit, as has been admitted the other day by the Honourable the Finance Member. In answer to a question of mine, he said that the maintenance of the credit stability of the country as a whole is the reason and justification for these statutory deposits. If so, may I say that it is an unjust burden on the scheduled banks. It is not an obligation of the scheduled banks to maintain the stability of the entire country. These statutory deposits are frozen assets, assets unconvertible. It practically ceases to be our asset as it is unwithdrawable and inconvertible. Advance under Section 42 of Reserve Bank of India Act cannot be obtained in times of emergency even from the Reserve Bank itself against such deposits.

There is heavy penalty for default of the quota balance and that penalty begins as soon as default takes place. That heavy penalty has been increased by subsequent amendments to section 42. Therefore, this is an additional burden which only proves the attitude of the Reserve Bank towards the scheduled banks. The Banking Enquiry Committee apprehended that the Reserve Bank would be looked upon as an enemy of the existing banks and as a parasite on the existing banks. That apprehension is fully justified. That was an apprehension not of hostile critics but of the Central Banking Enquiry Committee in 1931.

As regards the statutory deposits, the question is why do you want cash deposits? If it is for ensuring the stability and solvency of the scheduled banks, then why not Government paper? Why insist on cash only? If it is for the benefit of the Reserve Bank, then, I say, give us interest and give us the right to withdraw in emergency. In America, such withdrawal is allowed subject to two conditions, viz., no loan is to be allowed and no dividend is to be paid till quota balance is restored. Sir, I suggest amendment of section 42 of the Reserve Bank of India Act.

Then, Sir, how does the Reserve Bank behave with the scheduled banks?—it is an important question. As to the relation of the scheduled banks with the Reserve Bank, I say, there is a progressively increasing tendency of the Reserve Bank for more and more restrictions on such banks and for intensifying measures calculated to obstructing their development. One outstanding instance of that tendency is to be found in the new interpretation that has been adopted in 1940 about the qualification of a scheduled bank for a place in the second schedule. According to that interpretation, not only paid-up capital but assets are to be examined by the Reserve Bank. My submission is this: The original provision in section 42 of the Act and this new interpretation are substantially and radically different. The interpretation has disturbed the very foundation of the relationship and has laid down a different basic qualification. In fact and in substance, it is not interpretation, but it is amendment of section 42. Not only is this interpretation arbitrary and unjust, but *ultra vires*—I make bold to say that it is *ultra vires*. A difficulty was experienced sometime in 1940 and then Government decided to adopt a new interpretation. That is all that we know of the origin of this interpretation and there was an order amending section 42. The Government of India and the Reserve Bank arrogated to themselves the functions of this Legislature. We challenge the Government's right and the Reserve Bank's right to do so and cannot too strongly condemn this unconstitutional highhandedness. This is nothing short of contempt of law and contempt of the Legislature. Behind the back of the banks, without notice either before or after and without giving them a hearing, an executive order was passed *ex-parte*. Why not follow the usual procedure of amendment? If there is a *bona fide* dispute why not follow the procedure of moving an amendment and clarifying the position? I wish to point out that this interpretation leads to absurdity. What will happen to a bank if its assets are permanently or temporarily, wholly or partly reduced in consequence of earthquake, riots, conflagration, war operations, enemy action, fall of prices, etc. If the assets are reduced on account of these circumstances which are

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beyond the control of the Bank, is a bank to be taken off from the Schedule? Is that the law of equity or is it common sense? I wish the questions were referred to the Federal Court. But the banks being delicate credit institutions, they cannot take the risk of moving the Federal Court and therefore this arbitrary interpretation stands there.

I insist that banks must have some safeguard against arbitrary evaluation of assets under section 42 of the Reserve Bank of India Act by Inspectors without knowledge of local conditions and practice. Now, Sir, you have one valuation according to the balance sheet certified by auditors. The Inspector of the Reserve Bank makes an enquiry and he comes to a different conclusion. The result is that the certified balance sheet and the report of the Inspector lead to two different positions. How does it affect the shareholders? So it comes to this that the Reserve Bank becomes a party to the public being hood winked by an untrue balance sheet. This power of determination of real value of capital according to new interpretation cannot be accurately and correctly exercised. It is fraught with great risks and dangers. If there is any doubt over these matters, if you think that a bank is not entitled to be on the list on account of a deficiency in the present value, why not raise the qualification? You are quite at liberty to do so by an amendment of the Act. Instead of that, why should the Reserve Bank go round in this circuitous manner and insist on a higher qualification in this way.

As regards inspection. After inspection of a bank, are banks given a copy of the report so that they can use it for future guidance, know what are the mistakes and be on their guard? One bank which has been scheduled. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is himself a member of the Select Committee and he can put these matters before that Committee. That is the proper procedure.

Mr. Akhil Chandra Datta: I am saying all this for the Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): You can raise those questions in the Select Committee. At this stage, the principles of the Bill are to be discussed.

Mr. Akhil Chandra Datta: Although secrecy is assured, yet the inspection is conducted in a most public and open manner. I have heard the story of inspector's men going round and enquiring from individual debtors as regards the solvency of himself, other debtors and as regards the solvency of the bank itself. Anyway, in deference with your wishes, I shall not deal with that point any further.

Coming to section 94A about restrictions on capital issue. One of the restrictions is that of the minimum capital standard. I wish to point out the preposterous character of this provision in view of the fact that section 94A is still in force. Consent has been withheld for two years. Consent has been withheld even now with the introduction of this Bill in November last. There is one law laid down as regards the minimum capital standard and another laid down to make the attainment of that standard impossible. That is the position. Is this developing the growth of banks or is hampering their development? Now, Sir, during these twenty-four months since May, 1943, many banks in the country have been raising their deposits but have not been able to increase their paid-up capital. The result is the disproportion between the share capital and the reserve. Who is responsible for this disproportion. This disproportion is a very bad feature of all banks. In any event, before the Select Committee

meeting we want to be furnished with statistics. Whenever a Bill
 3 P.M. like this is presented before the House, the usual procedure is to furnish statistics necessary for making out a case for the Bill. That usual procedure has not been followed in this case. Before the Select Committee meets we want those statistics. We want a full statement of the activities of the Reserve Bank. We want a copy of all literature on the subject from 1939 up to the present time. Before we induce ourselves to grant the power of control to the Reserve Bank we must be satisfied that Mr. Das's verdict is

wrong and the Reserve Bank is the guardian of the small banks and is the friend, philosopher and guide of the small banks. I want to insist upon a full statement before a meeting of the Select Committee.

I shall conclude with a few suggestions. I suggest that the recommendations of the Banking Enquiry Committee for the inauguration of an All-India Bankers' Association be given effect to by a suitable provision in the Bill, I suggest that an All-India Bankers' Association must be inaugurated as early as possible, and that control under this Bill be vested in this Association by laying suitable provisions in the Bill.

Next, Sir, my suggestion is that there should be a Bankers Advisory Council elected by the Members of the Legislature or the banks themselves for advising the Government with regard to the control of banks and particularly in regard to the exercise of power conferred by clause 28 of this Bill and by section 42 of the Reserve Bank of India Act.

The next suggestion is that the Advisory Council should periodically examine the working of the whole banking system including the Reserve Bank. There should also be a provision for placing the report of the Council before the Legislature. There should be a provision for the representation of the commercial banks in the Central Board and the Local Advisory Boards of the Reserve Bank. As regards my suggestion for a Bankers Advisory Council may I point out that every department of the Government of India has got an advisory board. Is the Reserve Bank so unimportant in its functions that it can do without an advisory council? This should be done by necessary amendments to the Reserve Bank Act.

One more word, before I sit, regarding capital standard in clause 11 of the Bill. Apart from the merits of this proposal, it indicates the mentality and attitude of the Reserve Bank towards our banks. Look at the words of the clause. It says if a certain bank fails to comply with the standard the penalty is that it "shall not carry on business in British India". My submission is that it is something like capital sentence on a bank. Is your aim curing or killing? Is it protection of the depositors or absolute sacrifice of the depositors who can very well say, "Lord, save us from the hands of the Reserve Bank"? What is the result of this capital standard? It will discourage small banks in rural areas and on the country side with the result that there will be a policy of centralisation. Is it helping or hindering agricultural finance? Is this development and expansion or it is curtailment—merely weeding out and pruning of banks in the countryside? India is a vast sub-continent of villages. It is a legislation for capitalists, not for the poor and middle classes. It is a legislation for towns and cities. One result of this provision in the Bill will be that weak and backward provinces and areas will be deprived of banking facilities. They will not have their own banks. Medium size banks from neighbouring provinces also are not possible. Big banks from one particular area will have the monopoly which is discountenanced by all economists. Local banks are certainly preferable to banks at a distance. Parochial and provincial jealousies will be the effect of this provision. Concentration of banking business in a few banks frightened the United Kingdom into an attempt to legislate against amalgamation, followed by an agreement which had almost the force of law.

As to clause 28 I would subscribe to every word that my friend Sardar Mangal Singh said and I would add only this. In that provision the Select Committee should see that before exclusion or suspension you can provide for the stopping of loans and for the stopping of dividends. Give further notice and further opportunities. Then only you can take the final step of imposing the capital sentence.

I have taken the liberty of taking up the time of the House, so that these defects may be remedied in the Select Committee. All the same I support the motion for reference to Select Committee.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I welcome the present Bill, which is a great improvement and I wish that the Government had also undertaken the reform of the Companies Act as they had promised sometime ago. I remember that Sir N. N.

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Sircar definitely said that within the next three years the Companies Act would be revised again. Now we have got two eminent lawyers on the Viceroy's Council and I hope that they will take up in the near future the reform of the Companies Act as well.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Sir, I do not want to make a very long speech, as I shall reserve my speech when the Bill returns from the Select Committee. But I should like to mention only a few points for the consideration of the Select Committee.

The first point to which I would like to draw attention is that in this Bill we have provided for the banks incorporated in British India. We have also provided for banks incorporated in the United Kingdom. But we have not taken any notice of the banks incorporated in Indian States. There may be some legal difficulties; but we have really classed them as if they were like the old Hong Kong and Shanghai Bank or banks in South Africa, or Australia and so on. The banks in Indian States play a very important part in the economic and banking development of this country and it is desirable that some method should be found by negotiation, legislation or otherwise by which close relationship should be established between banks in Indian States and banks in British India.

It is the experience of most of us that many business men have got two homes—a home in British India where they make money and a second home in an Indian State where they take their earnings and bury them there in terms of gold. This practice has also been followed in the reverse order also—there are some in British India who go to Indian States and make money there and by some method evade the intelligence of the department of Sir John Sheehy and bring all their profits back to their own home in British India. So if you can find out by negotiation or any other method some way by which banks in Indian States may be given the same status and position as banks in British India, it will, I am sure, be to the advantage both of the Indian States and of British India. Whenever a bank is opened in an Indian State a large number of persons in British India invest their money there and buy the shares and open their accounts there: the reverse is also true. There is close and intimate relationship between the Indian States and British India that it seems desirable that this Bill should take some cognizance of banking organisations in Indian States and should not treat them as absolutely foreign or put them at par with South African or Australian or Canadian or even French and German and Japanese banks. They form part and parcel of India's economic development and I think it is desirable that negotiations should be made to bring these banks associated with the Reserve Bank of India.

The next thing which requires consideration is the managing agencies. The managing agencies are such that I would never be inclined to accept even for a limited period. They have done great harm, particularly in Bombay, and to a less extent in Calcutta: and they should be removed as early as we possibly can; it is a great mistake to introduce them into the administration of the banking organisations. The sooner they go the better it is for the country.

Coming to clause 10 of the Bill, I think in the interests of those innocent persons who invest their money in these banks, it is desirable that the banking part of the business should be separated from any other business which that particular company may be doing. It is a great mistake to mix up the two things—the banking and the other business. We know very well—and I can, if the time permitted, give a number of cases where they have started two companies belonging to the same organisation and they really swallowed all the resources of the banking organisation for the benefit of the other part of the business. So, I think we ought to make it very clear that if any company has banking and other business organisation, then the business part and the part

which deals with the banking organisation should be separated and should not be mixed up and they should be treated as if they were two different companies. Firms like Messrs. Thomas Cook and Sons and Grindlays have the banking organisation, but their banking part is quite different from the other business which they do, and in the interests of depositors this rule should be strictly and rigorously followed.

As regards this system of contract, it is very unintelligible to me. Some persons are expected to take contract of banking organisations. I remember once Birla's offered to take the contract of the Universities for turning out so many graduates per annum at contract cost. This form of contract some wealthy men actually offered to the University authorities. I think the proposition of taking a contract of the universities with the object of turning out so many graduates is a hopeless proposition. This idea which we have introduced in the Bill, the contract system, is as hopeless as the contract of Universities. History shows that at one time the East India Company was inclined to hand over the administration of India to one ruling chief on the basis of contract. The contract system in political administration is hopeless; in the university administration it is more hopeless and in the administration of banks, it certainly is not less hopeless

Mr. B. Das: The East India Company started the contract system?

Dr. Sir Zia Uddin Ahmad: They wanted to give the contract of the whole of Oudh to Surajud Daulah—that we know very well.

The next very important thing is that the directors should have no financial dealing with their own banks. If the directors have any financial interest in the banks, then I think it will mean a very great loss, and I think it ought to be explicitly provided in one of the sections that no director should borrow any money from the bank, and no money should be given to any company in which any of the directors has got an interest

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): That is in the Bill.

Dr. Sir Zia Uddin Ahmad: No explicitly; and no money should be given to any company in which a director has an interest.

Sir Cowasjee Jehangir: Should these not be shareholders at all?

Mr. Sri Prakasa: How can they be directors without having shares?

Dr. Sir Zia Uddin Ahmad: He is the share holder of the bank, but he should not be the share holder of the company to whom money is advanced.

The next thing is that there ought to be no racial discrimination in giving loans to different companies. If time permits, I will mention specific cases later on, that certain banks have a kind of racial discrimination and this thing ought to be avoided either by means of statutes or some other method, which I need not suggest now but shall mention later—there should be definite rules prohibiting discrimination against classes of people to whom money can be advanced or lent. This requires very careful consideration and I hope the Select Committee will look into it.

The next thing is about the power of the Reserve Bank. I referred to the powers of the Reserve Bank in 1934 when I pressed that the Reserve Bank should be a Government bank and should not be a shareholders' bank. I hold the same opinion today and I am glad that the Government, though they have not accepted in plain words that it should be a Government bank for all practical purposes they have made the Reserve Bank a Government Bank. It is not really a shareholders' bank in the true sense of the word. Why not call it *spade a spade*. If you are really treating it as a Government bank, why not call it definitely as a Government bank. I think it will be more and more dangerous if we proceed further and enlarge the powers of the Reserve Bank. We should boldly come forward and make it a Government bank. In 1934 the British Government was of opinion that it ought to be a shareholders' bank and so strong was the opinion that they would rather have no Reserve Bank if it

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was not going to be a shareholders' bank. I think the opinion must have changed now and I think we ought to have a new Bill to amend the Reserve Bank Bill and to make it a Government bank and not a shareholders' bank.

I now come to clause 15 about subsidiary companies. The subsidiary company system which Bombay has evolved is very dangerous. This is a trick which people really use for cheating innocent persons or investors. Some people say that if a man takes away the money of other people by means of his intelligence it is not cheating but a display of intelligence, then I say if you take away the money by superior physical force, it is not cheating. A new standard, honesty has been evolved by big business and it is very dangerous, and it is really at the bottom of the expansion and development of the companies system in this country. I strongly favour that Banking system should be developed in this country which will have the effect of checking inflation. If people use the banks, then they would not require so much paper money. People are very nervous in investing money in the banks on account of the superior intelligence of the people who organise the banks and who try to cheat innocent persons. I think we should have religious honesty in business.

The system of subsidiary companies ought to end. It requires a change in the Companies Act. It is said that if they want a thing to be done they can have it done by a subsidiary company which they themselves may form. It is not very desirable. Take the construction of a building. They may hand over the execution of the work to another company. They can ask a society of engineers to construct for them but the banking company itself should not form any subsidiary company to do this particular business. This method should end and it is very desirable that we ought to modify our present Bill on the lines I have suggested.

These are just a few points I wanted to touch on. As I want this Bill to be finished quickly I do not want to take long.

Before I sit down I may be permitted to make reference to Mr. Tyson, the Secretary of the Education Department. This is the last occasion on which I can make such reference, because he will be leaving India very soon. (*An Honourable Member*: "He is not here.") He is unavoidably absent. I have very great respect for him and throughout our work in the Assembly there has not been a single occasion on which he gave annoyance to any Member of the Assembly. We did not agree on some occasions but he has always been very friendly and very obliging and very helpful. There are two things in which he and I differ and we agree to differ. He began his life as a captain and ending in education. I began my life as a school master and ending as a Lieutenant-Colonel. He began in one way and I in the reverse order. The second thing is that I come from Cambridge with all its traditions. He comes from Oxford. I believe that for the training of intelligence and for general culture mathematics is necessary. Cambridge for long time did not give a degree to any person who was not a Mathematician.

Mr. Deputy President (Mr. Akhil Chandra Datta): What has all this to do with the Banking Bill?

Dr. Sir Zia Uddin Ahmad: I will come to that. They always thought that mathematics is necessary for the development of culture and intelligence.

Sir Cowasjee Jehangir: Did mathematics teach relevancy?

Dr. Sir Zia Uddin Ahmad: In Oxford, classics is considered essential for culture and for general knowledge. They consider that mathematics is nothing but a jugglery of figures and we consider that classics are nothing but archæology not of buildings but of words. This is the point on which Mr. Tyson and I disagree but in every other matter, during the last six years we have worked in perfect unison, with great friendship and I shall always appreciate the assistance he gave.

I am also sorry that Sir Jeremy Raisman who introduced this Bill is not here to guide the future stages of this Bill. But I hope his successor will take up

the matter and this Bill will soon become a law and the difficulties we are experiencing will be removed.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, my Honourable friend Dr. Zia Uddin Ahmad suddenly seems to have thought he was as young as he was when he was an undergraduate and he was trying to exchange the compliments between Oxford and Cambridge. Sir, although I am younger than him, I am not in that fortunate position of still thinking and still feeling proud of those Universities which have tried best to denationalise us. I also happen to be junior, and I can assure my Honourable friend that if I had only been as old as himself and if I also had been a contemporary at a college I should have certainly joined issue with him for the relative merits of marks in Cambridge. But I wish to try to bring the House back to the present day realities.

Mr. Deputy President (Mr. Akhil Chandra Datta): Please do.

Prof. N. G. Ranga: We do not have Mr. Tyson here and I am not over-fond of these gentlemen for continuing to occupy our Treasury Benches for any time longer. Sir, it is very typical of this Government that the Finance Member, who had introduced this Bill, is now on his way to England and yet the Bill is still being discussed in this House. The King may be dead but they shout 'Long live the King'. The East India Company is gone but the British Government has remained. One Finance Member goes but his adjunct or appendix, the Indian, for the time being, remains in this House to follow our debate. Well, Sir, it only shows that the gentlemen on the other side themselves live in a sort of mid-summer madness and want us also to live in a dream-land where we are cut off completely from all sense of realities and responsibility. In any other country my Honourable friends would have found it absolutely necessary to be there in their places when a responsible and an important Bill like this is being discussed and would have taken the decision of this House as deciding their own tenure of office. But it is a strange atmosphere in which we find ourselves where one Member goes and another Member comes and in between a liaison officer simply watches the brief for the Finance Department while an important Bill like this is being discussed. Sir, we were told that we should try to protect our depositors in this country. It is for that purpose that this Bill is being brought in here. But my Honourable friend Mr. B. Das and later on you, Sir, yourself cautioned this House that the object behind this Bill is not so simple or so innocent as all that. Indeed, it was styled as a Reserve Bank Consolidation Bill by my Honourable friend Mr. Das, and if it is not that, I would like to know what else it is. You want to empower the Reserve Bank to inspect the accounts, the activities, the offices and various other developments that may come in the future of our banks. In England the Bank of England has not got these powers. In India you want to give our Reserve Bank of India powers to that extent. But who is this Reserve Bank of India? You say it is an institution. It is not an individual, it is true. But who has created it? The Government of England. And for whose purposes? Is it for the purposes of India? If it is for the purposes of India, then why have you not made it a hundred per cent. State Bank? Why have you made it a shareholders' bank? Why have you brought in a number of gentlemen from various cities of our own country and put them there and have given them the gilded names of Directors and on the top of them placed your own I. C. S. officers as Governor and Deputy Governor? Why all this *tamasha*? Make it a State Bank and we will know where we are and we will control it better. Today you come to us and tell us that it is a shareholders' bank; it is an Indian organisation and the Legislature cannot possibly be expected to have day-to-day control over it: it cannot have a scrutiny over its activities and cannot put any questions and Government cannot be expected to be held responsible for all its activities. Why should it be so? You want to protect private interests in this country. What are these private interests? What are the interests that the Imperial Bank of India has in this Reserve Bank of India? And the Imperial Bank is not an Indian bank.

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It is, of course, the biggest bank in this country and it does the largest amount of work. Of course, it serves the biggest single vested interest, that is, the European industrialists, in this country and it has a big hand in the governance of the Reserve Bank of India either directly or indirectly. Why do you not propose that the Reserve Bank of India should be nationalised? Then, come to us with these proposals to give all these powers to our banks. But you do not do this because it does not serve your purpose.

Does that mean that the present Government does not exercise any sort of control over the Reserve Bank of India? It controls the Reserve Bank of India to a very great extent. Indeed, although the Governor is supposed to be an elected person, it is the Government of India which decides really who is to be the Governor. What happened to that Governor who was brought from Australia and why was he sent away? Constitutionally you will be able to say that he was never sent away because he resigned and he went away. But who forced him to resign? Are the Government prepared to take the House into their confidence and place the whole record on the table of the House for our scrutiny? Then we will be able to know what was the mailed fist which was behind the resignation of Sir Osborne Smith. Even if he had been a Britisher and dared to disagree with the Finance Member, he would have been asked to resign and go away. A Britisher will be allowed to serve in this country in any one of the Government offices only so long as he serves the British Imperialist interests. During this war the Reserve Bank has served the Government and has helped the Government to inflict terrible inflation upon our country. It has also served the Government, as so many other Members have already stated, to create a sort of black market on behalf of South Africa and other countries for selling gold and silver and giving over all the profits to them, not even giving us information whether on these profits income-tax is being paid to this Government or not. We want this Reserve Bank of India to discharge its functions more properly, more adequately and more satisfactorily. But has it done so? Has the Finance Member told us what the Reserve Bank of India has been doing and why should this House give to the Reserve Bank of India any more powers than it has already got? He has not told us that. He tells us that it is an autonomous organisation. I do not want it to be so autonomous that this House will have no control over it and this Government will be so irresponsible in regard to its activities as not to take this House into its confidence in regard to its activities?

Why do I want a Central Bank at all? Is it only to do police work over our banks? If it has to do only police work, then you have got a Registrar or Superintendent of Insurance Companies. You may as well have a subordinate department in your own Finance Department and put on the top of it a Superintendent for Banking instead of having a Reserve Bank of India. It would be the task of that Superintendent to exercise all those functions. If that gentleman or any one of his subordinates should misbehave, then it will be possible for this House to take them to task to the extent that is possible to do so within the time at its disposal. We do not mind if you give these powers to that officer who will know where to put his finger to catch hold of the guilty person and how to take him to task. But you do not propose to do that at all.

Why do you want this big organisation to make profits? You say there is a maximum limit for their profits. Beyond that if there are any profits, the State will take. But why do you allow any maximum rate of profit at all to the shareholders? Is it because the Government are not able to find sufficient funds to buy up all the shares of the Reserve Bank even when it was brought into existence or that they did not have enough money to float the Reserve Bank? It is high time that the Government of India should take control of the Reserve Bank and run it themselves as a semi-autonomous organisation in such a manner that both the Government of India as well as the Reserve Bank will be responsible to this House and to the country as a whole. Sir, we are very much dissatisfied with the working of the Reserve Bank. The Reserve Bank was charged

with the task of helping the rural credit of this country. There was a special provision made in the Act. When we asked the Government as to what the Reserve Bank of India was doing in order to promote the interest of the agriculturists of the country, we were told that it was publishing reports and that some of these reports were supplied to Members of the House. Is that all that was expected of the Reserve Bank according to the Central Banking Enquiry Committee report? Why has the Reserve Bank neglected the development of agriculture in the country? It may be the fault of the Bank, but why have the Government also slept over the matter? The Government of India may say that it is a provincial matter so far as financing of agriculture is concerned. But if it were a provincial matter, then there would have been no need for that section in the Reserve Bank of India Act at all. At that time you thought that it was your duty to provide adequate facilities for increasing the total quantity of crop available for agriculturists and yet you failed in your duty in making the Reserve Bank discharge its duty towards the agriculturists in this respect. Then there are our other industries. Did the Government or the Reserve Bank do anything to promote our industries? You, Mr. Deputy President, put a question the other day as to whether the Reserve Bank had given sufficient accommodation or assistance to any one of the scheduled banks in their operations. The answer was that only one scheduled bank sought accommodation which was provided. But how much accommodation was asked for, how much was provided, to what extent and under what circumstances, we do not know. It may be because that that particular bank was in trouble with their depositors, and therefore they stretched their hands to the Reserve Bank and asked for assistance. We want the Reserve Bank to take more active part in helping our scheduled banks in their legitimate task of advancing credit to our various industries, in stimulating a policy of growth of new industries and providing them with adequate credit so that these industries can develop in all directions. It does not do anything of that sort. Well, Sir, let me take the cottage industries. Why talk about the Reserve Bank of India doing anything in regard to provision of credit for development of cottage industries? Have the Government of India themselves recognised their own duty towards these cottage industries and their need for finances? So far the Government of India have not discharged their duty to provide adequate credit facilities for all our cottage industries. Therefore, Sir, I am not satisfied with the various activities of the Reserve Bank, nor can I be satisfied with the *non possumus* attitude of the Government of India in regard to the Reserve Bank of India and its failure.

Then, I take up this very little matter as it appears to me about safeguarding the interest of depositors. No cause has been made out by any spokesman on the Government side to prove that the interest of the depositors cannot be safeguarded by any other institution that may be started by Government. The Government are running their own savings bank in post offices and therefore it is not that they have not got experience in this line of business. The post office savings bank pay quite a reasonable rate of interest on those deposits. In fact at one time these deposits had swollen to such proportions that Sir James Grigg found it necessary to reduce the rate of interest that was being paid by post office savings banks. The post office savings bank is trusted by the people of the country that it is efficiently managed, no money has been lost till now, there has not been any sort of complaint that any of the savings bank branches has failed, there has not been at any time any serious run on the post office savings bank, except during the short period when the fate of England was in the balance. Even that run was not very much. When the Government of India have such long experience of savings bank business, what is it that prevents the Government from having its own banking system? Yes,—you may say,—but, oh! you are asking for too much, you are asking for the nationalisation of banks. Even before I demand nationalisation of the existing banks, I wish to tell the Government of India and the provinces that if they enter the files of banking and start their own banks in competition, if necessary, with the existing banks and provide

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additional facilities for the people, it will pay them. It would certainly help the industries, it would certainly be able to draw funds which are at present shy from those people who are unwilling to trust their small savings to banks.

Have the Government of India considered the possibility of there being a set back before introducing these Bills in this fashion? They themselves say and they encouraged others also to say that many of our banks are not properly run and that at the end of the war, there is bound to be a crop of failures of banks. These banks are run so shabbily with such small securities and small funds that they are likely to fail. What would be the consequences? Naturally your prospective investors will become shy to invest in these banks. Already there is too much of shyness of depositors and this will be increased. Instead of that if you are able to provide an alternative to them through your own banks, an adequate number of branches, you will be doing a good thing. Because, many of our people who wish to save and who are saving will only be too glad to put their monies in such banks, and when they get used to the banking habit it is possible that the other banks will also be prosperous.

But I am not satisfied with the position. I want a complete nationalisation of the banking industry in this country. I call it an industry. It is not an academic matter which you can so easily dismiss. I warn you that if you do not nationalise our banking industry, if you do not wish to take up this responsibility you will be failing in your duty towards the people of this country. You are talking of post-war plans and post-war economic, industrial and agricultural development of this country. How are you going to have that? How will you achieve that? You want ten thousand crores according to these Bombay gentlemen, and according to your own Government here you want four to five thousand crores of rupees. Wherefrom are you going to get that? You want to induce our people save more and place it at your disposal. But what is the inducement that you are going to provide for them? You bring in this sort of Bill which frightens them away from saving and placing those savings in banks. There are serious and dubious methods that you are adopting for inducing people to subscribe to your so-called national savings certificate drives. That is not the right way, and in that way you will meet with a lot more trouble in future; you cannot succeed. Therefore you have to do something in order to assure our people that their monies would be safe with you. Not only that, but their monies that come to you will be put to very good use,—profitable and beneficial use. What is the inducement that you offer? You will say, "Yes, we are going to tell them, 'Look here, you place all your savings into your own banks, your banks are going to lend all that money to us; we are going to allow this money to be utilised by various private interests and public interests also, and in that way we are going to advance post-war economic development; and thus you will be serving the national cause.'" That sort of appeal is not going to satisfy our people. They want to be given a much greater inducement than the ordinary inducement that the money will be safe and that a small interest will be paid thereon. They want to be told that their monies will be put to the best possible use, and through the best possible institution and through the manipulation of their money there will be no interest to make any private profits, and their monies will be allocated as between different industries, as between different industrial concerns which will serve the national cause alone. That inducement is not given at present; your Bill does not make any provision for it at all. It is a mere police Bill, as we have said.

Yes, Sir. Government says that every State has started with police work and it is only afterwards that it has matured into developmental activities and similarly that they are also going to do it. Then let not Government talk of post-war development because it would only mean that this Government is not keen on post-war development at all. If you want post-war development you must induce our people to give up their hoarding habits. Those of them hoard who can save and have got spare funds at their disposal. And why do they

board? They do it because they have no faith in your banks. And why have they no faith in your banks? Because your banks are managed for private interests and for private profits and big profits, and these banks cannot be expected to behave themselves properly. Therefore the nationalisation of banks is absolutely inevitable. And what is more, if you do not do it you are going to endanger your post-war economy. And for this reason. What your irrigation canals are to our irrigated lands, your savings are for the industrial development of our country. Without these irrigation canals you cannot draw off water from your rivers to your fields. Similarly, without banks you cannot draw the savings of our people to the industries. Your banks can only serve as canals. Is any one coming forward to suggest that your irrigation canals shall be owned by these various private industrialists? Yes, there was a time in England when these canals were owned by private merchants, industrialists and capitalists. But they came to realise that that system was really very bad, too costly and too cumbersome and too reactionary; so they gave it up. There is nobody in this country who suggests that your irrigation system as a whole should be handed over to any sort of profit-making company. There is no one who at this time of the day is prepared to say that your railways should be handed over to the M. and S. M. and other railway companies, either Indian or British. There was one gentleman named Wedgwood who came down to this country: he investigated our railways or pretended to do so and made a report in which he suggested that our railways should be handed over to a semi-autonomous organisation. No one in this country was prepared to look at it; this House simply turned down the proposals. Such is the position in regard to railways. Certainly your banking is to have a much greater key position than your railways. And why do you want this key service to be monopolised by these gentlemen who are interested only in their profits and in nothing else? We are told that the banks are semi-public interests. Are they? If so, how can you trust these semi-public interests to the vagaries of these profit-earning gentlemen? Supposing there is any sort of danger in your not being able to make any profits at all; will these gentlemen carry on any banking? Supposing there is a chance for them to make huge profits and more and more profits, will they possibly abstain from taking up any risky business? They have not shown themselves to be so very responsible-minded, nor have they displayed any such appreciation of national interests. And why should we trust these people?

Sir, there is one other very important function that banking has played, and that is to provide adequate credit to the country. In olden days it was with currency notes and rupees that trade was being financed. But now it is not done through those at all; it is more through cheques, bank drafts, credit given or accommodation provided by these banks. And banks will not carry on business only to the extent that their finances permit. If any particular bank has ten crores of rupees it does business worth fifty crores or sometimes a hundred crores. In that way these people create credit and can provide credit also to the country. The old quantity theory of money may have been exploded to some extent, but nevertheless money can be provided not in terms of more currency coin and currency notes but in terms of cheques and drafts by banks. And you allow these private individuals to gain control over this huge credit machinery. Sir, it is through this credit machinery that this Government has financed this war. But if Government had had greater control over our banks it would have played even greater mischief with our economy. So to that extent we are not sorry that this bureaucratic Government during this war did not have so much control over our banking system as it would have liked. But that does not mean that now when we are on the threshold of gaining our own Government we should be asked to agree to this Bill which is not prepared to take account of the post-war needs of our country.

Sir, booms and depressions have played great mischief with the fortunes not only of individuals but of whole peoples. As we all know, in America it was the speculation that was indulged in by the various merchants, traders and others in

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Wall Street that brought about the disastrous 1929 economic depression that enveloped the whole world in an economic blizzard. Millions of people had to suffer, there was a huge redistribution of wealth not only between individuals, between classes and classes, but between countries and countries. Throughout that economic depression, though America and England were the real mischief-makers it was they who suffered least and it was we people who were their victims who had to suffer most.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. It being 4 o'clock, the adjournment motion will be taken up now. Mr. Neogy.

MOTION FOR ADJOURNMENT

RESTRICTIONS ON ISSUE OF RAILWAY TICKETS FOR ARDH KUMBH MELA AT HARDWAR

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I move: "That the Assembly do now adjourn."

As I stated in the morning, my object is to discuss certain restrictions on the issue of railway tickets for journey to Hardwar on the occasion of the Ardh Kumbh Mela which begins on the 13th April.

These restrictions consist, firstly, of an order of the Government of the United Provinces to which I will refer shortly, and, in the second instance, restrictions that have resulted from certain instructions which I understand the Railway authorities have independently issued to the various station officers not to issue tickets for certain stations near about Hardwar, and Hardwar itself, beyond a particular number.

Sir, the Provincial Government's notification was published in the newspapers some time ago under the authority of the East Indian Railway itself. I hold in my hand a cutting which sets out this notification in full, and what I find in this notification is that, apart from insisting upon inoculation against cholera, the Provincial Government of the United Provinces laid it down as a condition for a journey to the neighbourhood of Hardwar that everyone must possess a permit from certain district authorities if they want to visit Hardwar for purposes of pilgrimage. Sir, it is very interesting that they should have made an exemption in favour of persons who would not visit Hardwar for purposes of pilgrimage. I shall read the relevant language of the notification for the purpose of explaining its purport. Sir, the notification, first of all, lays it down that:

"No one shall travel by the Railway or shall be carried on on any railway during the period March 15th to April the 13th."—(April the 13th being the day on which the Mela begins)—"unless he holds a certificate of having been inoculated against cholera"—(to which no one can take any serious exception)—"and unless either—

(1) the Railway Administration concerned is satisfied that the person is proceeding to that destination otherwise than for the purpose of taking part in the Ardh Kumbh Mela at Hardwar,

(2) he holds a permit from the Officer in charge of the mela or from a District Magistrate or any other Magistrate duly authorized by the District Magistrate to issue permits."

That is to say, if a person could satisfy the Railway authorities that he was going there on a shooting excursion or any pleasure trip, then no permit from the district authorities was required, but if a person is foolish enough to undertake this journey expressly for the purpose of pilgrimage, he is not authorized to have a railway ticket, unless he produces a permit from the District Magistrate, who in his turn perhaps will want to know how much he has contributed to the War Savings Fund.

Sir, we find from the schedule accompanying this notification that as many as 20 odd railway stations are mentioned to which the booking is subject to these restrictions. The railway stations are not only on the East Indian Railway but two stations I find are on the North Western Railway. So they have cast their net very wide. Then, after reproducing this notification, the East Indian Railway in the very same place publishes certain notes for the guidance of people who may be coming from provinces other than the United Provinces. There we

find that similar orders for inoculation have been issued by the Government of Bihar and Bengal, and that a check for these inoculation certificates will be made at certain barriers; that is to say, people who may be coming from places other than the United Provinces, will not be required to produce any permit from any district authorities, but they will be expected to produce that inoculation certificate at the respective barriers which have been set up in this connection.

My Honourable friend stated in the morning that similar arrangements had been made in the past and that this case is covered by a general policy which the Railway Board has been following in this matter. In that connection, I desire to emphasise that Kumbh Mela at Hardwar is not an annual function. It recurs at intervals of twelve years; and according to Hindu ideas, a dip in the holy Ganges on this occasion gives one a special religious merit. Many of us may not share these beliefs, but at the same time it must be remembered that these sentiments have been cherished for ages past by millions of people in this country; and I dare say that the Hindu public opinion is entitled to hold the opinions that it holds in regard to these matters, and we must respect such sentiments even though many of us may not believe in the efficiency of such baths in the Ganges.

Normally, on such occasions, the Railway Department would be expected to provide extra trains, which used to be run in the past for the benefit of mela traffic. As a matter of fact, it is a business proposition; it has been a business proposition for the Railways in the past, and I understand that in regard to their post-war schemes of development, they definitely contemplate improvements in traffic of this kind. It is difficult to expect now-a-days the same kind of arrangements that used to be made in the past, but even then I should like my Honourable friend to tell the House what action was taken by the Railway Board for the purpose of handling the extra traffic that was sure to offer itself on this occasion. As I have said, this is not an annual event; it recurs after twelve years, and one should have thought that the Railway Department would make some provision for carrying extra passenger traffic on such an occasion.

As we are all aware, the normal train services have been curtailed, and even then the traffic that is normally offered to the railway for these various stations is being put to all these onerous restrictions. Therefore, Sir, I do hope that the Honourable Member in his reply would be able to give an assurance that, apart from relaxing restrictions in regard to the District Magistrate's permit, he will be in a position to provide extra coaching facilities, if not necessarily special trains, for the benefit of the pilgrims. The notification was published some time ago, and it may have already had the effect of scaring away the intending pilgrims to a very large extent; but, as I said, the Mela begins on the 13th and it may be possible, if early action is taken by the Honourable Member, for many people, at least from places near about, to avail of the opportunity of a visit to Hardwar on this holy occasion.

Sir, I do not think that I can say anything more for the purpose of supporting this motion. I very much hope that the Honourable Member's assurance will be sufficient for the purpose of securing the object of this motion. I can assure him that I have no desire to press the motion to a vote if the Honourable Member would give us an assurance that the difficulties which I have mentioned are going to be removed, and some reasonable arrangements are going to be made for the purpose of conveying a sufficient number of pilgrims to Hardwar on this occasion.

An Honourable Member: The question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved: "That the Assembly do now adjourn."

The question cannot be put before the motion is moved.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Mr. Deputy President, Sir, in rising to support my Honourable friend Mr. Neogy's motion which is in the nature of a vote of censure against the Government for its misconduct in this behalf, I should like to recall the events of 1938 when not the Ardh Kumbh but the full Kumbh was held at Hardwar. At that time the Railway Department was in charge of a very

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down and devout Scotsman, Sir Andrew Clow, who was, as the House may remember, a very strict Presbyterian. But even under his auspices flamboyant notices were issued to the whole of Hindu India that a dip in the Ganga at Hardwar at that particular moment would ensure a very high place in heaven hereafter. Now everything seems to have changed. Government's heaven has changed. At that time what was an act of piety has now become impious. Now the excuse is put forward that there are no rolling stocks available. I should seriously like to know what has happened to all the mela rakes that used to be so much in evidence in the earlier days. Am I to understand that they are also transferring soldiers from one place to another in our country?

As my Honourable friend, Mr. Neogy, has said, there are restrictions to travel to Hardwar in two weeks. There is first of all the necessity for every pilgrim to undergo inoculation. Mr. Neogy has no objection to inoculation; but many persons may have; and decent Governments of the world have always a conscience clause because of which persons who have conscientious objections to getting vaccinated or inoculated can escape from that incubus. Then, Sir, while there may be conscientious objections to inoculation, the conscience of a person may impel him to visit Hardwar at this particular moment for the sake of his soul. Many persons, as the House knows, promise to their gods that they would visit Hardwar on particular occasions if a certain desired-for event in the shape of a birth or marriage should take place in their house. Why should the Government now deprive these conscientious persons from fulfilling the vows they have made to themselves? The Honourable Member opposite is very keen on impressing upon us all the desirability of only making journeys for essential purposes. Sir, for persons whom I have in mind, journeys to Hardwar at moments like this are far more essential than the movements of the military in the land. A journey to Hardwar for them is far more important than the journey of the Home Member to England for whom a passage was found at a moment's notice, or for journeys of Executive Councillors from one end of the country to the other for no apparent purpose.

The second difficulty is, as Mr. Neogy has pointed out, that the railways have been asked not to give tickets, at least in my province, unless a man can prove to the satisfaction of the railway authorities that he is not going to Hardwar for religious purposes. And if he cannot so satisfy the railway authorities, he must produce a certificate from the District Magistrate. It is all very well to write on a piece of paper that a man may go to the District Magistrate and receive his certificate. But those who have dealt with District Magistrates know how very unapproachable they are. And it is not always easy to get to them and to obtain the necessary certificate from them. In other words, what the railway authorities at the Centre seem to have in mind is to enable District Magistrates to give permits to their favourites and we know the sort of favourites they have in every district. The one person with whom I should not like even to have anything to do is the District Magistrate.

My Honourable friend, Mr. Neogy, has given to the House a summary of the circular issued by the United Provinces Government which has been patronised and published by the Railway Board. The less said about that Government the better. I should like to leave to the verdict of history, its misdeeds during the last two years and more. But it does seem that the Central Government raises a Frankenstein and then trembles before it. It hands over power to Provincial Governments and then pretends here that it cannot help itself in any way. Thus we in the House seem paralysed.

I should like, Sir, to give to the House a particularly tragic incident. Mr. Mahamaya Prasad is one of the notable public workers of Bihar. He has been suffering from tuberculosis. Doctors advised him to proceed to Mussooree. Dr. B. C. Roy among others examined him in Delhi but he could not obtain a ticket from Delhi to Mussooree—Mussooree and not Hardwar—despite these circumstances, unless he got inoculated against cholera. The doctors advised that in that condition it was not safe to be inoculated against cholera, and for three days he had to wait and had to get himself inoculated despite the

doctor's advice in order to obtain a ticket to go to Mussooree. Such are the incidents that are happening. This one has come to our notice. But there must be thousands of others; and I think it is time that the Honourable Member opposite took some notice of such things and sat up.

I should be interested to know the condition in which trains are arriving at Hardwar at the present moment. I should not be surprised that when booking is so strictly prohibited, the trains are arriving there almost empty; friend opposite can please himself. We are always faced with what are called and if trains are meant to run without any passengers, then my Honourable war necessities. I am not interested in the war. Most of my countrymen are not interested in the war. The Government has declared the war and it is their business and theirs only. Let them fight or let them not fight. Why are they dragging us into this war and making us suffer from all the disadvantages that a war inflicts on a country? We have always regarded war as a sport of kings, and if the kings want to indulge in the sport they are welcome to do so. They can enlist their armies and go to war against one another.

It is a well known fact that in our land we have always been indifferent to wars, and incidents are known and historically recorded, that the peasant would go on tilling the soil while big battles were raging in his neighbourhood. He was indifferent to the fortunes of the war. That is our feeling even to this day and we do not like this Government to force upon us in India not only this war but also to force upon us its own ideology regarding wars generally, and to say at every step, "This is not for war purpose, therefore you can have it." We are being deprived of food, of clothes and of our houses on the pretext of war. We are being deprived of travelling facilities simply because there is a war on. Is it seriously contended that because there is a war in the world that therefore all civil life should come to a stop; that Government need not care for the civil population; that it is not the concern of the Government to provide for all possible facilities to such civil population and enable them to perform their daily duties?

I for one cannot understand that any decent Government can ever say that when it is indulging in warfare all persons who are under its sway should be deprived of every thing that they hold dear in either the physical or the spiritual spheres. The Government can however say, as I know they say, that these Kumbh Melas and Ardh Kumbh Melas were common in ancient times when there were no railways, but in those days there were other facilities that society had evolved for its own use. There were camel carts and bullock carts. There were rest houses, there were sarais, there were dharamsalas, and various other arrangements to enable people to go from one part of the country to another in reasonable comfort. But with the advent of the British Government and with the advance of science, railways have come into existence, and in every possible way Government have encouraged railways at the expense of all other vehicles and means of locomotion that were common in the country.

Now it is no good turning round and saying, "Go back to your bullock cart, go back to your camel cart," because bullocks and camels have gone away under the stress of competition with the railways. Therefore it is the duty, the paramount duty, of the Government to provide all possible facilities for our travel on business or pilgrimage. We are not going to sit quiet and suffer every hardship simply because there is a war on. War or no war, we want to live in our own country in our own way, follow our age-old customs and manners, and even our prejudices, if my Honourable friend thinks that all these things are mere prejudices.

Mr. Deputy President (Mr. Akhil Chandra Datta): Your time is up.

Mr. Sri Prakasa: I therefore think that all possible facilities should be provided for us to proceed to Hardwar on this auspicious occasion; and if the Government is not willing to do so, it deserves the censure of the House.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Mr. Deputy President, in connection with this adjournment motion I think it is the duty of every one of us to raise his voice in support of the motion, because in adopting the procedure complained of by my Honourable friend Mr. Neogy (and it is by no means the first occasion when procedure like this has been adopted) Government has been very light-heartedly trampling upon the religious freedom of the people of India. As my Honourable friend, Mr. Neogy, said, many people, possibly even many of the Honourable Members of this House may not go the whole way with those who believe in the spiritual efficacy of a dip in the sacred river Ganges on the occasion of the Kumbh or Ardh Kumbh Mela: but as vast multitudes, in fact, you may take it, practically the entire Hindu nation in India has for ages and ages held that belief and considered a bath in the holy Ganges on this occasion of very great spiritual merit, no Government has any business to treat lightly the beliefs and tenets of large numbers of the inhabitants of this country and to take measures which not only prevent them in a physical sense from exercising their right but deeply wound their religious susceptibilities and in that way cause them worse misery, because spiritual misery is really the worst kind of mental anguish.

I said that this is by no means the first occasion when Government have adopted a procedure of this kind. In fact for some years now Government have been taking similar action on the occasion of such fairs and melas—action which has been even more unceremonious than the action taken on the present occasion. On this occasion, perhaps taking advantage of some lessons taught by experience, Government have tried to give it the shape of a law. A notification has been promulgated, in which certain conditions have been announced and certain ways of securing permission to proceed to Hardwar have been laid down. It is said that the intending pilgrims must be inoculated against cholera. It is said that if they want to proceed to Hardwar they must secure a permit from a District Magistrate and on production of a certificate of anti-cholera inoculation and a permit from the District Magistrate they would be given a railway ticket for a journey to Hardwar. I say that in that way they have regularised or legalised what was in practice being done for several years and, as I said, much more unceremoniously than they have done on the present occasion. In connection with the very important religious function held annually at Ajmer Sharif, the Urs of Hazrat Khwajah Moinuddin Chishti, it has been the constant grief of all intending pilgrims to that holy place that tickets to Ajmer were refused. In fact, tickets for all stations on Ajmer side are simply peremptorily refused by the booking clerks. There is no condition even communicated to them, on the fulfilment of which they can get a ticket. They are simply told that booking for Ajmer is stopped, booking even for Jaipur is stopped, booking even for Beawar is stopped. In that way, not dozens, not scores, not hundreds, but thousands and thousands of people from various parts of India who had come as far as Delhi and found on reaching Delhi that they could not get railway tickets for Ajmer had to return disappointed, their hearts sorely wounded. But of course Government does not care. They say: "These fairs, and Kumbhs and Urs for aught we care are not worth the trouble to reach those places: these are ignorant people, they may believe anything, but we do not believe in the merit of these things, and we consider the urgency of matters of public health and war transport and all that to be of greater importance than the importance of these journeys being performed to any of these places." It is another matter that in spite of these restrictions, while thousands did suffer in having to go back disappointed to their places after performing long journeys to Delhi and to other stations in other directions from Ajmer or from Kalyar Sharif or from other places of pilgrimage, to which people are in the habit of resorting. I say, in spite of thousands being disappointed in that way, the number which actually assembled at these sacred functions is reported to have been much larger than on former occasions: and

it is quite another matter to speculate as to the means which must have been adopted by those who did reach these places—whether they added to the income of the railway babus, which of course in so many other ways these babus are nowadays making, and whether they had recourse to other kinds of conveyance—the fact remains that after making allowance for the numbers which did reach these places, there were thousands and thousands who had a genuine grievance that they were not allowed to go. Perhaps it was felt that this arbitrary and peremptory refusal on the part of these railway babus to issue tickets to the intending pilgrims did not look well, and therefore they said: "Let us now issue a gazette notification or a formal announcement by the Government laying down the conditions of journey. Well, we are prepared to allow you to go, provided you satisfy us that, in order to maintain public health, you have been inoculated against cholera, and it is further certified by a District Magistrate or some official that you are a *bona fide* pilgrim." This 'bona fide pilgrim' is a very curious term. Incidentally I may say that in connection with the Haj pilgrimage to the Hedjaz, one is simply mystified to see that term in certain declarations that have to be made and signed. Imagine a man from India resolving to go to faroff Mecca and Medina for the purpose of performing the Haj there and ready to incur heavy expense, ready to undergo the inconvenience incidental to a long journey and a voyage and all that—yet when he goes and files an application for a pilgrim's pass, he must certify and a respectable gentleman of the locality must also certify that he is a *bona fide* pilgrim. Imagine what nonsense is meant by this term *bona fide*! From the very fact that a man is going to undertake such a long journey, can you not infer, without being told that he is a *bona fide* pilgrim? Yet a certificate that he is a *bona fide* pilgrim must be presented to the District Magistrate; and then of course if that Magistrate is satisfied that really, the applicant is a *bona fide* pilgrim, he will issue a pilgrim's pass. Now, in the present circumstances the *bona fides* of a man has to be certified by this magistrate; a permit has to be granted to him and he has to produce it before the great railway babu—"Here is my permit and here is my inoculation certificate. Graciously issue to me a ticket for Hardwar." I say it is playing with the deep seated and cherished religious sentiments of the people, which only a Government devoid of imagination and lacking in knowledge of human nature can resort to; and I shall under these circumstances wholeheartedly support the adjournment motion moved by my Honourable friend Mr. Neogy, and hope that the Government will adopt a better procedure in future and not play with the religious sentiments of the people. I support the motion.

Sardar Sant Singh (West Punjab: Sikh): Sir, I am glad that this adjournment motion has a better fate than the one which I tabled on the last occasion about similar action of the Railway Board in prohibiting railway travel to the Nankana Sahib at the time of the annual congregation of the Sikhs. It gives me an opportunity to make some observations on the policy that is followed by the Railway Board in such matter. I can assure the Railway Member that I quite appreciate difficulties due to war conditions that have come into existence; but I want to ask him, in spite of those war difficulties, some questions about the attitude he adopts on such occasions.

The first point that strikes me is this: what is the policy behind it? Is it due to the lack of accommodation in railway carriages on such occasions or lack of providing the same facilities as used to be provided before the war conditions set in? Or is it due to some other motives which we fear are creeping into the policy of the Railway Board? If it is entirely due to inadequacy of the railway rolling stock on such occasions, I can understand it if they refuse to provide further facilities which they used to provide on such occasions. But they cannot stop the normal communications that are going on. They can say and tell India and the world at large, "We are unable to provide special facilities as we used to do during normal days; but we will carry on our daily programme without reference to anybody; and if

[Sardar Sant Singh.]

they are prepared to suffer inconvenience it is for the pilgrims to do as they like". Or they can go so far as to decline to issue further tickets than what the accommodation warrants. I can understand that; but I cannot understand when they say, "It is not we that stopped it; it is not the Railway Board; but it is the Punjab Government, the Provincial Government, which has stopped it under the Defence of India Rules and we are simply obeying their order". I fail to understand this lack of policy. They refuse to take the responsibility and having done a bad thing they add to it and they are prepared to do a bad thing in a bad manner. That is what I cannot understand. I hope the Honourable the Railway Member will explain his position. Why did he submit to this attitude of the Provincial Government in refusing accommodation to those who wanted to go and see this fair, believing it to be their religious duty to be present on such an occasion. The Defence of India Rules, when they were framed, were never intended to be used by a Provincial Government against the Central Government who passed the Act and gave the power to the Provincial Governments. I have not been able to understand this policy of the Railway Board. They should be honest enough and tell us straight whether these provincial orders have been inspired by the Railway Board and whether they are bound to obey them.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): The Railway Board itself should have a dip in the Ganges to wash away their sins.

Sardar Sant Singh: The Railway Board has taken the monopoly of one system of transport in this country, namely, the Railways and now they are going to have the monopoly of the road system also.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): No, Sir.

Sardar Sant Singh: It is their duty to explain to the Legislature the reasons behind this monkeying with their department. I have not been able to understand why the Railway Board are taking shelter behind the illegal acts of the provincial authorities. I call them illegal, because the Defence of India Rules were never intended for such purposes. Therefore it is high time that the Honourable Railway Member should explain the position thoroughly on all these points to this House.

I will remind the Honourable Member of one thing. I regard the Honourable Sir Edward Benthall to be a non-official not belonging to the bureaucratic form as Sir Sultan Ahmed and Sir Asoka Roy. They are the national Government in India. He must approach this question not from the bureaucratic point of view, not because law and order have to be maintained at any cost. He should justify to this House why the Railway Board plays into the hands of the Provincial Governments, who though autonomous are carrying on the behests of some power and are acting in a way which is not for the good of the people. I support this motion whole-heartedly and I am waiting to see how the Honourable the Railway Member justifies his action.

The Honourable Sir Edward Benthall: Sir, I will accept the invitation of my Honourable friend the last speaker and will endeavour to explain the circumstances surrounding the position regarding the Ardh Kumbh. To appreciate the position, you have in the first instance to go back to the last Kumbh mela at Hardwar in 1938. On that occasion, there was, as a result of overcrowding in Hardwar at the time, a virulent and intensive outbreak of cholera which resulted in a very large number of deaths and the expenditure of something like 24 lakhs by the different Governments concerned. Following that event, the Central Advisory Board of Health met at Poona and recommended that in cases like this there should be preventive inoculation. The U. P. Government, when they saw the present Ardh Kumbh mela coming, took action as far back as November last. They wrote to the Railway Department asking their assistance in controlling the situation which was likely to arise at Hardwar. In the first instance, they asked the Railways not to issue tickets

from various provinces—the U. P., Delhi, Punjab, S'nd, Bengal, Bihar and Orissa and C. P.,—to certain scheduled stations unless an inoculation certificate was produced. Subsequently there was further discussion through the Political Department with the States covered by the same area and the list of scheduled stations was agreed upon. That was an obvious precaution with which, I think, no one has disagreed except my friend Mr. Sri Prakasa who complained that one of his friends was prevented on this account from going to Mussoorie. I must point out that this is an order of the U. P. Government issued out of regard for the health of the population generally, including that of Mr. Sri Prakasa's friend. But in addition to the action regarding the inoculation certificates, the U. P. Government also asked the Railway Department not to run any special trains, thereby indicating their desire that extra large crowds should not be allowed to collect at Hardwar.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): That is the responsibility of the Central Government.

The Honourable Sir Edward Benthall: That is the responsibility of the U. P. who asked us not to run special trains. (*An Honourable Member:* "You obeyed those orders?") I am explaining that that was the attitude of the U. P. Government who desired, presumably for health reasons, to prevent undue crowds collecting in view of what happened on the last occasion and they also asked us to see that the inoculation cards were punched or stamped when the tickets were issued, so that it might form the evidence. They also asked us to arrange specially for evacuation of the crowds after the mela was over; and the reason for that was that in 1938 the big outbreak of cholera occurred after the actual mela was over and before the people could get away. The facilities for getting away were limited and people were kept there through no fault of their own and also on that occasion, during that particular mela, it was I understand considered to be an act of special sanctity for the pilgrims to stay for a month on the banks of the Ganges. Anyway, the trouble occurred last time after the festival. So, they asked us particularly to make special arrangements to move the people away as quickly as possible and as soon as the Mela was over on this occasion. I may perhaps just mention that the arrangements made by the United Provinces Government apply equally to motor transport with which the Railways are not concerned, and for that purpose the U. P. Government have restricted the use of petrol and also restricted the number of journeys which can be made by producer gas vehicles.

Now, Sir, when this question came under discussion, the numbers of persons who were expected to collect at Hardwar were in the neighbourhood of 3 lakhs and the numbers which were expected to arrive by train were something between 50,000 and a lakh. In fact, most of the pilgrims who usually come on this occasion are from the Punjab, and on the last occasion when this Mela was held there were 1,64,000 railway passengers, mostly from the Punjab, which explains why the North Western Railway is also concerned in it. That explains the genesis of the action taken. The complaint of the Honourable Mover is two-fold, not so much with the arrangements taken with regard to inoculation but with the arrangements for control by the railways and the District Magistrate.

I now pass on to the part of the Railways. I did not wish by my earlier remarks to indicate that the railways had no responsibilities in the matter and that it was entirely a matter for the Provincial Government. That is not so. The East Indian Railway, in pursuance of the policy which we have adopted throughout India since the Kumbh Mela of 1942 and the big Ajmer Fair of the same year, have asked the Provincial Government to prohibit under Rule 85(b) undue traffic to the Melas by ordinary trains. The grounds for that are, I think, obvious. My Honourable friend Mr. Sri Prakasa said that Government's heaven has changed. That is true. In 1938 we were doing our best to induce more people to travel and so we shall be in a few years time. But the House has always laid the greatest stress upon the desirability of trying to prevent people exposing themselves to danger on the railways by unsafe travel. That has come up on many occasions and all that we are trying to do is to try to alleviate the extraordinary difficulty which the passengers particularly the Hindu

[Sir Edward Benthall.]

class passengers, have in travelling and to save them from exposing themselves to danger to life and limb by riding on foot-boards and so on. We should have liked, of course, to have put on extra accommodation to take the extra crowd which we anticipated would go to the Mela. Somebody asked what we were doing with the Mela rakes? The Mela rakes have been distributed all over India for various reasons, partly military and partly because some of them have been put into operation for ordinary services for the public. Anyway, those rakes are not now-a-days available. If they were available, it would simply mean that we were not making the best use of our available stock. If we kept those Mela rakes in sidings for occasions like this, then the overcrowding on the ordinary services would be worse than ever. So, we were not in a position to put on extra accommodation to meet this particular rush. What we did was to get an order from the Provincial Governments in the terms which my Honourable friend has read out. What we have done is precisely what my Honourable friend Sardar Sant Singh has suggested namely, we have tried to restrict the booking by trains to these destinations to the normal numbers. We have tried to restrict the booking to the daily average for the last three months, so that we have tried to move the normal number of people. If we had tried to do more than that with the existing stock available, we should simply have encouraged the overcrowding which the House has always urged us to prevent. We have merely tried to stop over-crowding and dangerous travel. In other words, we have tried to restrict excessive numbers of people going to Hardwar, from the railway angle and from the point of view of desiring to help the Provincial Government who were fearful of the effects of crowds collecting there.

Pandit Lakshmi Kanta Maitra: Can you do something for them now?

The Honourable Sir Edward Benthall: I will come on to that. My Honourable friend Mr. Sri Prakasa said that he was not concerned with the military traffic. Well, Sir, there are two points of view about this matter. My Honourable friend Sardar Sant Singh said that if it were a question of military traffic *versus* Mela traffic, then there was a good case. It is just a question of two points of view and I should like to say, as I said in my opening remarks this morning, that I have no prejudices in the matter. I fully recognise the religious impulses of the people who go to Hardwar just at this time and it is with the deep regret that we cannot run the specials which we should like to run.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): What is the necessity of the permit from a District Magistrate? That point has not been explained.

The Honourable Sir Edward Benthall: I will come on to that in one moment. One has to make a choice between the military traffic and this traffic and I do not mind informing the House that in making special arrangements to get the pilgrims away from Hardwar after the 13th or the 15th, whichever is the critical day, we shall have to interfere with certain military movements. But we have come to the conclusion that that is justified in the circumstances because of the danger of keeping people there in insanitary surroundings.

As regards the permit of the District Magistrate, this is really designed not so much as a hindrance to the public but to assist them. As I have explained, the railways are charged with trying to restrict passengers to the ordinary numbers, but if they do not exercise their discretion properly, then various people have power to issue permits, not only the District Magistrates but also the Officer-in-charge of the Mela and any other officer authorised by the District Magistrate. And that is intended to help the position of anybody who has to go there on urgent business. I admit of course that the ordinary ryot has difficulty in approaching any one of these officers. But I think that if that provision

5 P.M. were not made it would certainly be missed because it will allow facilities for certain people who might otherwise have some difficulty in getting them. One point was made that it was the U. P. Government alone which had a clause in the order about District Magistrate. That is not correct actually

because I have in my hand the order made by the Punjab Government in precisely the same terms with precisely the same object of assisting people who must go there to make out a case before the Railways or before a Magistrate.

An Honourable Member: Are the terms of the Punjab Government order the same as that of U. P.?

The Honourable Sir Edward Benthall: I have not checked it word for word. I will read it out:

"In exercise of the powers * * * persons proposing to travel to any of the stations specified in the schedule shall not travel by railway and shall not be carried on any railway during the period 15th March, to 13th April, 1945 (both days inclusive) unless the railways concerned are satisfied that the person is proceeding to that destination otherwise than for the purpose of taking part on the Ardh Kumbh Mela day on that"

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Sardar Sant Singh: Is this order under the Defence of India Act?

The Honourable Sir Edward Benthall: I cannot give way because my time is over. Sir, I have tried at the request of the House to explain the position in full and since the debate opened this morning, I have tried to find out what the position is on the railways and at Hardwar and to see whether anything could be done to ease the situation for people desiring to go and take part in the Mela. Sir, I have ascertained from the Divisional Superintendent who was yesterday at Hardwar that there are apparently no accumulations of people, no large crowds wanting to get to Hardwar at the various stations with which he has been able to get into touch. Why that is so, I do not know, whether the scare of cholera has put people off or whether inoculation put people off, or whether they have just decided not to travel I do not know.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Do not forget to remove the grievances of Ajmer Urs.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is over.

The Honourable Sir Edward Benthall: I will finish in a minute, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair has no discretion in the matter.

Some Honourable Members: We want him to proceed with his speech.

Mr. Deputy President (Mr. Akhil Chandra Datta): If it is the desire of the House, then the Honourable Member can carry on.

The Honourable Sir Edward Benthall: The Mover has asked that we should withdraw these restrictions during the last two days of the festival. I am afraid that that is too bold a step which is not possible because it would have the effect of causing large crowds to collect and make a last minute rush to Hardwar which would be against the policy of the U. P. Government. That would, I am afraid, result in dangerous overcrowding during the last two days. But I have given instructions that the quotas for each of these stations should be enhanced during the last two days up to the maximum capacity of the stock available on the existing services so that everything possible will be done to get the maximum number of people through in the last two days without overcrowding and danger to life and limb.

Mr. K. C. Neogy: Sir, I promise I will not take very long in replying to this debate. I must say that the House appreciates the frankness with which the Honourable Member has put the whole case. On past occasions, as far as I recollect, the tendency of the Government was to take shelter behind the authority of the Provincial Government which initially is responsible for issuing such orders. Sir, my Honourable friend clearly stated that the restrictions that were complained of have resulted from certain negotiations or understanding between the Railway Department and the U. P. Government. Knowing the U. P. Government as we do, nothing of their doings is likely to surprise many of us. When I heard that the U. P. Government had asked the Railway Board not to run any special trains I was not therefore surprised. The U. P. Government evidently had not assigned any reasons in support of that strange request of theirs. My Honourable friend has been good enough to supply the reason when he said

[Mr. K. C. Neogy.]

that obviously they were anxious to prevent an outbreak of cholera. It does seem to me that the U. P. Government have not got sufficient faith in the efficacy of their cholera injections, because on the one hand they insist upon cholera injection in every case, and on the other insist upon the Railways not running any special trains. However, Sir, that is, as I said, a kind of action which we normally expect from the U. P. Government. But, Sir, the solicitude for the health and life of the people shown by the U. P. Government, is really touching; and I cannot help referring to that fact, because I come from a province where not less than 35 lakhs of people died of starvation in a year, and the best efforts of the Government were employed for the purpose of suppressing the truth about the number of the dead. Indeed, the Government have succeeded in establishing that those who actually died were never born. I, therefore, say that this is really very touching, this solicitude on the part of the U. P. Government for the welfare of the people, as exhibited by them in their orders. My Honourable friend said that the Punjab Government also issued an order very much to the same effect as the U. P. Government. I was not aware of that simply because the notification which was published at the instance of E. I. R. did not mention that fact. This shows how the bad example of a section 93 province can influence a province which is under a responsible Ministry.

Sir, I have no desire to prolong the discussion any more. I appreciate my Honourable friend's difficulties as pointed out by him in providing extra coaching accommodation for the benefit of the pilgrim traffic. But then, I must say that I expect a little more from him by way of removal of the restrictions, because if these restrictions regarding Magistrate's permit are allowed to operate, even though my Honourable friend may increase the permissible quota of tickets issued by different railways, it may not have much effect. As my Honourable friend himself pointed out, there is hardly any crowd waiting anywhere. That shows that these restrictions have been very effective indeed. I do not think my Honourable friend is justified in fearing that if these restrictions were to be withdrawn in their entirety at this last moment, there would be a last minute rush which would endanger public health.

The Honourable Sir Edward Benthall: I said we would enhance the quotas for each of these stations up to the capacity of the stock available on the existing services, but if there is no more stock what are we to do?

Dr. P. N. Banerjee: What about the District Magistrate's permit?

Mr. K. C. Neogy: My Honourable friend refers to the existing coaching services. The services, as we all know, have been already drastically cut down and we know to our cost how the existing coaches are normally overcrowded.

The Honourable Sir Edward Benthall: I meant, extra coaches to the maximum available.

Mr. K. C. Neogy: I am glad that my Honourable friend has given a promise that he will put on extra coaches from the stock available. I am sorry that I misunderstood my Honourable friend. In view of this assurance I would beg leave of the House to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th April, 1945.