

13th February 1946

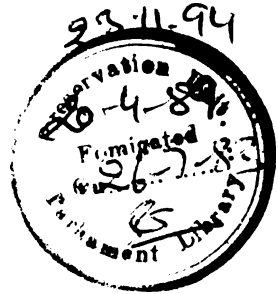
THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume II, 1946

(12th February to 27th February, 1946)

FIRST SESSION OF THE SIXTH LEGISLATIVE ASSEMBLY, 1946



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LEGISLATIVE ASSEMBLY

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SARDAR MANGAL SINGH, M.L.A.

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LEGISLATIVE ASSEMBLY

Wednesday, 13th February, 1946.

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

MEMBER SWORN:

Mr. Rattan Kumar Nehru, I.C.S., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

STOPPAGE OF MILLS AND FACTORIES DUE TO NON-SUPPLY OF COAL

230. *Mr. Manu Subedar: (a) Will the Honourable the Industries and Supplies Member please state how many factories in India were stopped on account of their being officially informed that no coal could be supplied to them?

(b) How many steel rolling mills were involved in the operation of such stoppage, and from which date, and what was the amount of production lost?

(c) How many of them are, since the stoppage of hostilities, invited to start operations again and are being supplied with coal?

The Honourable Mr. A. A. Waugh: (a) As the Honourable Member is aware there are authorities both under the Central Government and under the Provincial Governments controlling the allocation of coal, and the duration of stoppages has varied. No general information is available with Government, but if the Honourable Member has any particular factories, or classes of factories, in mind, Government will endeavour to collect the information.

(b) Owing to acute shortage of coal, 81 steel rolling mills were involved in such stoppages from 16th August 1944 to 30 June 1945. There was no loss in the total production, as the re-rolling mills which remained in operation during this period produced 144,013 tons between 1st September 1944 and 30th June 1945, as against 130,393 tons produced by all re-rollers during the corresponding period, 1st September 1943 to 30th June 1944.

(c) All of them.

Mr. Manu Subedar: May I know, in view of the increased production of coal which has been promised and the desirability of giving preference to coal transport over even military goods transport, which I urged the other day, whether the Honourable Member will endeavour that hereafter factories will not be closed for want of coal?

The Honourable Mr. A. A. Waugh: Yes, Sir; I shall use my best endeavours to that effect.

Mr. Manu Subedar: The factories I had in mind are textile factories and paper factories and miscellaneous factories for steel production and others, and since the civil population has been starved of these things and there is an acute shortage of steel, will not the Honourable Member endeavour to give absolute priority to coal for industrial purposes even over the military goods movement, now that the war emergency has ceased?

The Honourable Mr. A. A. Waugh: I cannot guarantee absolute priority. I can guarantee very high priority.

Sri M. Ananthasayanam Ayyangar: What quantity of coal does the Honourable Member expect will be released from military requirements to industries now, after the cessation of hostilities?

The Honourable Mr. A. A. Waugh: The amount of coal now being consumed for defence purposes is very small.

Mr. Manu Subedar: Have Government ascertained the number of men thrown out of work by the stoppage of the 81 rolling mills which the Honourable Member mentioned?

The Honourable Mr. A. A. Waugh: No; I have not got the figures.

CONTROL PRICE OF STEEL DURING WAR.

231. *Mr. Manu Subedar: (a) Will the Honourable the Industries and Supplies Member please state the control price of steel, at which steel was purchased by Government from the steel manufacturers in India during the period of the war?

(b) How often was the price revised?

(c) Were the manufacturers free to sell in the open market the defectives, which did not come up to the specifications?

(d) Is it a fact that the rate of these defectives increased enormously during the war? If so, what was the reason given by the firms?

(e) How does the rate, at which the firms were allowed to sell to the public, i.e., the civil population, compare with the rate at which they sold to Government?

(f) Are Government still receiving this preferential rate on their purchases? If so, what is the reason for penalising the civil population and not compelling the manufacturers to supply to the civil population at the same rate?

The Honourable Mr. A. A. Waugh: (a) There are over 60 categories of steel, and prices have varied from time to time. Government regret, they cannot furnish full statistics of all prices paid by Government, but the following may make the general position clear:

The basic prices of steel bought by Government for Defence purposes were the commercial prices current shortly after the outbreak of war, adjusted to F.O.R. Tatanagar, and revised every six months for increases in costs. Government purchases for non-Defence purposes were paid for at commercial rates, which were uncontrolled until June 1944. For instance, the price of bars for (rounds and squares below 3" and flats 1" to 5" wide, thickness 1/4" and over) in October 1939, for defence purposes was Rs. 167 per ton; between the 1st October 1942 and 31st March 1943, it was Rs. 177 and between 1st April 1944 and 30th June 1944 it was Rs. 197/8/-.

(b) In the case of Defence steel, prices were revised half-yearly on the basis of increases in costs, as stated above. Following the introduction of commercial price control in June 1944, the prices of commercial steel have since been revised six times.

(c) No, Sir. The distribution of defectives has been controlled since August 1941.

(d) Yes, Sir. Up to the first half of 1942, tenders for defectives registered a steep rise in price. The main producers then agreed to stabilize prices under a ceiling price fixed about Rs. 10 per ton below the prices of untested standard steel. Statutory price control was introduced from 19th May 1943.

(e) The question presumably refers to standard steel, as Government is not a purchaser of defectives. At present the difference between the price of steel supplied to Government for Defence purposes and the commercial price of main producers is roughly Rs. 10 per ton.

(f) Yes. Government under their war contract get a rebate on the commercial price, but this does not amount to penalizing the civil consumer.

Mr. Manu Subedar: With a view to encourage building operations which will help the rehabilitation of soldiers and others, will Government now endeavour to bring down the price of steel which is used for building purposes, and give the required stimulus by bringing it down by Rs. 10 less, which the Government are getting themselves on the Government purchases?

The Honourable Mr. A. A. Waugh: I might say that the prices of certain commercial kinds of steel came down by roughly Rs. 30 per ton on 1st July

ast, and the question is constantly under consideration whether we can reduce the commercial price of steel. As to the rebate which Government get for defence purposes, that is not totally unjustified. I think it is usual business practice that large buyers pay something less than others because they are buying in a big way.

Mr. Manu Subedar: May I urge on the Honourable Member to go thoroughly into this question and fix the prices for the commercial buyer, not on the basis which has been current in the past, but on the actual cost basis and whether the steel firms are unable to supply, now that the war emergency has ended, is it not a question which Government ought to inquire?

The Honourable Mr. A. A. Waugh: I shall certainly examine whether prices can be brought down.

Mr. Muhammad Nauman: May I know if the present average cost of Rs. 10 is nearly 300 per cent. more than the pre-war rates of August 1939, when it was Rs. 3/12 a ton?

The Honourable Mr. A. A. Waugh: I do not think that is correct.

Mr. Muhammad Nauman: What was the rate in August 1939?

The Honourable Mr. A. A. Waugh: I would point out that the present price for certain main categories is very much what it was at the outbreak of the war, owing to the recent reduction. I should also like to say that as things now are, Indian steel is among the cheapest steel in the world.

Seth Govind Das: Are the Government aware that even at present prices the civilian population is not getting enough steel for their building purposes?

The Honourable Mr. A. A. Waugh: The amounts allocated for civil users last year was something like 380,000 tons and this year the amount that is going to be available for the civil consumer will considerably exceed that figure. I cannot give my Honourable friend the exact quantities yet. The various regions have been allotted large quotas; if these have not reached the actual consumer, then I am afraid there must be something faulty in the provincial distribution.

Seth Govind Das: Are Government aware that in the Central Provinces enough steel is not available for the civil population?

The Honourable Mr. A. A. Waugh: I think the allocation for the region is very adequate and it is not reaching the consumer. I suggest that this matter might be taken up with the Provincial Government.

Mr. Manu Subedar: Are Government aware that the system of steel control has not proved satisfactory and it has evoked lot of protest from all parts of the country and that large stocks of usable steel are frozen in the hands of merchants who are anxious to sell—they are not permitted to sell—the necessary licenses are not given?

The Honourable Mr. A. A. Waugh: I will look into this question. There was justifiable complaint when the Honourable Member wrote to the Honourable Supply Member but after that the regions have got adequate quotas of steel. I will make inquiries and find out the position.

COST OF FERTILIZER PLANT IN INDIA

232. ***Mr. Manu Subedar:** (a) Has the Honourable the Industries and Supplies Member noticed the statement in the *Indian Finance* of the 22nd December, 1945, that "At the same time four synthetic ammonia units were installed at a cost of some £2,000,000 (Rs. 2,14,00,000). Construction of plant to convert the output of these units into ammonia sulphate fertiliser has now been commenced. These may play an important part in food production in the immediate post-war years, as well as safeguarding Australia's future needs of explosives"?

(b) Are Government in a position to state now the cost of the proposed fertiliser plant in India, which was at one time estimated by them at ten crores of rupees?

(c) Has the Pitkeathly Mission borne fruit? If so, will Government give the latest position with regard to the establishment of the fertiliser industry in India?

The Honourable Mr. A. A. Waugh: (a) Yes, Sir.

(b) According to present information, the cost is still estimated at Rs. 10-79 crores.

(c) The attention of the Honourable Member is invited to the press note dated the 17th January 1946, of which I lay a copy on the table.

DEPARTMENT OF INDUSTRIES AND SUPPLIES

New Delhi, January 17, 1946.

PRESS NOTE.

GOVERNMENT FERTILISER FACTORY

It was announced in a Press notification dated January 20, 1945, that a Mission under the leadership of Sir James Pitkeathly had proceeded to the U. K. for negotiating the purchase of plant for the Government Ammonium Sulphate Factory to be erected at Sindri in Bihar. This Mission was especially charged with the responsibility of investigating the processes and plant employed in the manufacture of ammonium sulphate, both in the U. K. and in the U. S. A., with the object of securing for India the most up-to-date plant possible for the production of this type of fertiliser from indigenous materials.

After lengthy investigations with U. K. and American experts, the Mission had submitted its recommendations, and on the basis of these recommendations the Government of India have now sanctioned the negotiation of agreements for the supply of plant and machinery for the factory, and for the erection of the factory. Two contracts are contemplated: one with a leading firm of American consultants for the design of the whole factory, supervision of the erection of the factory, and seeing it into production at its rated outturn; the other with firm representing a consortium of British chemical plant manufacturers, who will arrange the supply of the necessary plant and its erection, under the supervision of American experts.

To supply the plant for this factory in the time required, it will be necessary to call upon the resources of a large number of firms including boiler-makers, manufacturers of turbo-alternators, suppliers of electrical equipment, suppliers of mechanical handling and weighing equipment, in addition to utilising the resources of the chemical engineering industry for the supply of the main chemical plant. The supply of the major part of the plant will be by competitive tender. It is anticipated that large orders for fabricated steel work, pipe work, tanks, vessels, etc., will be placed by the main contractors referred to above with Indian firms. In this way, it has been possible to secure the fullest Anglo-American collaboration in providing a plant, of the most up-to-date design, and incorporating the best experience of both countries, whilst at the same time employing to the fullest possible extent the resources of Indian industrialists and Indian labour in the supply of such plant and equipment as can be made in India.

Government are confident that, as a result of the work carried out by the Pitkeathly Mission, the Sindri factory, when completed, will be one of the most modern ammonium sulphate fertiliser factories in the world, incorporating the latest improvements known to science, both in England and in America, and capable of supplying fertiliser at the lowest possible cost to the cultivator, consistent with the utilisation of indigenous raw material.

Mr. K. C. Neogy: With reference to the Press Note, will the Honourable Member be pleased to indicate the substance of any report that may have been received from the Pitkeathly Mission in this connection, and which may have formed the basis of the consideration of the Government?

The Honourable Mr. A. A. Waugh: I am not quite sure to which part of the Press Note my Honourable friend refers to in particular.

Mr. K. C. Neogy: The Press Note states that the Government of India have recently sanctioned the negotiation of certain agreements in connection with this scheme. I take it that this sanction has been given on the basis of a report from the Pitkeathly Mission. If that be so, will the Honourable Member be pleased to lay on the table of this House any report of the Pitkeathly Mission on which this action may have been taken?

The Honourable Mr. A. A. Waugh: There was a series of reports in the ordinary course of correspondence and there is no report which summarises in one particular note the information which the Honourable Member desires but I will endeavour to give the gist.

Mr. K. O. Neogy: Will the Honourable Member be pleased to lay on the table not merely a summary of all these reports, but also the latest one which may have determined Government action in this matter, and will all the copies of the reports be made available to us by being placed in the Library of the House?

The Honourable Mr. A. A. Waugh: I shall certainly examine this and give as much information as I can.

Mr. K. O. Neogy: Is it a fact that the agreements referred to in this connection are to be entered into principally with the Government of India on the one hand and a British firm and an American firm? If that be so, what are the terms on which these agreements are likely to be concluded so far as these two firms are concerned, and what will be the nature of the interest of these two firms in the manufacture of sulphate of ammonia?

The Honourable Mr. A. A. Waugh: Briefly the main contract is with an American firm for the erection and supervision of the erection of the factory. The second main contract is with a firm of manufacturers in Great Britain who have special knowledge of manufacture of certain plant. The great part of the non-specialised work will be done by means of tender in India and the work will be done by Indian firms.

Mr. K. O. Neogy: Will these two firms have a continuing interest in the working of the plant in any way?

The Honourable Mr. A. A. Waugh: Their interests will be to put the factory into proper working order and seeing that it is in working order. They will have no interest in the profits.

Mr. K. O. Neogy: Have Government inserted a condition that Indian apprentices will be trained by these experts in the process of manufacture as a condition of their placing these orders with them?

The Honourable Mr. A. A. Waugh: Yes, most specifically.

Mr. K. O. Neogy: May I know when the Government expect to place a comprehensive financial scheme with regard to this particular project before the Standing Finance Committee?

The Honourable Mr. A. A. Waugh: As soon as all the material is ready.

Mr. Manu Subedar: The Honourable Member has not replied to my question. The gravamen of it was that if Australia has installed four synthetic ammonia units at a cost of 2 crores 14 lakhs, why is it necessary for the Government of India to spend a sum exceeding 10 crores of rupees for one plant?

The Honourable Mr. A. A. Waugh: In the first place we do not know the capacity of these synthetic plants and in the second place the specific plans adopted in Australia for making synthetic ammonia. So far as I know, there is one such plant in the whole of India and that is a very small one. So I really have not got the data to answer the question.

Mr. Manu Subedar: Notice of this question was given long ago and there is an Australian Trade Commissioner who would have obliged the Honourable Member with the information required. Does he not remember that in the last session doubts were thrown on the volume of money to be spent on this and certain experts definitely put forward the idea that 5 crores should be the cost and not 10. It was on this complaint in this House that the Pitkeathly mission was sent out to see how it can be done most economically. Are we now to take it that the thing cannot be worked under 10 crores. Is it because it is being manufactured in the United Kingdom though planned and designed in America? Is it not true that American and Swiss ammonia equipment is cheaper than that provided by the United Kingdom?

The Honourable Mr. A. A. Waugh: The allegation mentioned by my Honourable friend that the cost should not exceed 5 crores was investigated very thoroughly and the result showed that in actual fact so low an estimate was not possible.

PRODUCTION AND DISTRIBUTION OF COTTON AND WOOLEN TEXTILES

233. *Mr. Manu Subedar: What steps has the Honourable the Industries and Supplies Member taken regarding cotton and woollen textiles:

(i) to secure larger production of those varieties in which there is a rampant black market throughout the country;

(ii) to reduce exports from India of those varieties of which there is a marked shortage;

(iii) to deal with corruption amongst officials concerned with the distribution of cloth throughout the country; and

(iv) generally to ease the cloth situation, which is reported to be still acute.

The Honourable Mr. A. A. Waugh: (i) In the case of cotton textiles, Government have obliged mills to devote 60 per cent. of their capacity to the production of dhotis, sarees, longcloth, sheetings, chaddars, shirtings, voils, mulls, drills, twills, tussorees, coatings and towels, in order to secure adequate production of varieties of cloth which are most in public demand. In the case of woollen textiles, Government are issuing import licences further to expand production in India upto the level of demand.

(ii) In the case of cotton textiles, Government have completely banned the export of folded yarn and of cloth of counts of 48 and above. In the case of woollen textiles, no exports from India are permitted.

(iii) Government have no information of the action taken by Provincial Governments against officials charged with corruption in the distribution of cloth. I can assure the Honourable Member that any case brought to notice will be promptly investigated. The Central Government maintain a Special Police establishment charged with the duty of detecting corruption, and of bringing offenders to book.

(iv) Among the steps taken by Government are:

Firstly, the provision of more coal for cotton textile mills. The monthly allocation of coal which stood at 124,000 tons a month in March 1944, has increased steadily. In January 1945, the figure was 155,000 tons, and since November 1945, the monthly figure has been 180,000 tons.

Secondly, consolidated demands for millstores from abroad have been placed on the India Supply Commission, London, and are coming forward.

Thirdly, Government are taking steps to obtain sufficient new textile machinery to bring about considerable expansion of India's production, both by import and by utilising Government factories in India. The estimated production cloth in the second half-year of 1945 exceeds the figures of the corresponding half-year of the three previous years, although the figures are not yet final.

Fourthly, with the reduction in exports and Defence demands, the quantity of cloth available for civil use in 1946 may reasonably be expected to be about 5,500 million yards as against a round 5,000 million yards in 1945 and a round 4,900 million yards in 1944.

Mr. Manu Subedar: Will the Honourable Member tell us the total quantity of the export of cloth? Has he not read that in recent times an enormous quantity, literally thousands of bales of cloth have been exported from India to various market and why is it so, when there is an acute shortage?

The Honourable Mr. A. A. Waugh: The export is controlled.

Mr. Manu Subedar: Is it not a fact that the control is defective? Has he not heard of corruption in the Export Control Department?

The Honourable Mr. A. A. Waugh: If my Honourable friend will bring any instances to my notice, I will be glad to look into them.

Mr. Manu Subedar: Have not the Government dismissed their servants on account of this, though they have not prosecuted them?

The Honourable Mr. A. A. Waugh: I believe that is correct.

Seth Govind Das: May I ask why the export of cloth has not really been stopped when there is so much need for cloth in this country?

The Honourable Mr. A. A. Waugh: I would remind the Honourable Member that we also have very urgent needs from overseas, for example, foodgrains.

Mr. Muhammad Nauman: May I ask which are the countries to which exports have been made of cloth manufactured in this country?

The Honourable Mr. A. A. Waugh: There are a number of countries which were deprived of their usual previous sources of supply by the war, countries which were supplied by Japan.

Mr. Muhammad Nauman: Do we import food from those countries to which we send our cloth?

The Honourable Mr. A. A. Waugh: Yes, Sir.

Prof. N. G. Ranga: Are Government considering the advisability of introducing rationing in the use of cloth?

The Honourable Mr. A. A. Waugh: Yes, Sir. The rationing of cloth is in existence.

Khan Abdul Ghani Khan: Why do you not send all this cloth to the North-West Frontier Province instead of sending it outside as there is very acute shortage of cloth there? We have had lathi charges there on account of the difficulty in obtaining the cloth.

The Honourable Mr. A. A. Waugh: On this point I would like to tell my Honourable friend that the last report we ever had from the North-West Frontier Province Government was dated the 4th October. They then said that the situation was improving, although there was shortage of higher counts. Since then we have heard nothing from that Government, and most Provincial Governments are usually very vocal if they fail to get the amount of cloth allocated to them.

Khan Abdul Ghani Khan: Who sends this report, the Provincial Government or the Textile Commissioner, who is under the Central Government, sitting in the Frontier?

The Honourable Mr. A. A. Waugh: On the amount of cloth received, the report is sent by the Provincial Government.

Khan Abdul Ghani Khan: I mean about the scarcity of cloth: who sends the report of the province, the Textile Commissioner or the Provincial Government?

The Honourable Mr. A. A. Waugh: The Provincial Government, if they do not get the amount allocated to them.

Sri M. Ananthasayanam Ayyangar: Is it not a fact that cloth below 40 counts is generally used by the poorer classes in this country and that such cloth was being imported from Japan before the war?

The Honourable Mr. A. A. Waugh: I must ask for notice of this question.

Sri M. Ananthasayanam Ayyangar: Then, why is it that cloth of 40 counts and below is allowed to be exported from this country and not of higher counts?

The Honourable Mr. A. A. Waugh: Because higher counts are very scarce here, and to do something for these needy countries, certain cloth is allowed to be exported.

Mr. Vadilal Lallubhai: Will the Government consider the question of helping the people in the matter of cloth by taking help of the hand-spinning industry in this country?

The Honourable Mr. A. A. Waugh: Yes, Sir.

Sri M. Ananthasayanam Ayyangar: What is the percentage of the machinery that is sought to be brought into this country for the spinning mills?

The Honourable Mr. A. A. Waugh: We have not yet arrived at a decision on that, but the intention is to get as much spinning machinery as possible.

Seth Govind Das: The Honourable Member said that cloth is required overseas, but is it not the duty of the Government to see that the needs of this country are met first and then to export cloth?

Mr. President: I believe he has explained the situation.

Seth Govind Das: He has said that cloth is required in other countries. I am asking him whether it is not the duty of the Government first to see that the needs of this country are met and then to export cloth outside?

Mr. President: I believe his reply is contained in the statement that we had to export cloth in order to get foodgrains. Am I right?

The Honourable Mr. A. A. Waugh: Yes, Sir.

Mr. Vadilal Lallubhai: There is lot of second hand machinery in America which is being exported to China, Palestine and other countries. Will the Government consider getting this machinery for India?

The Honourable Mr. A. A. Waugh: I shall certainly take that up.

MANUFACTURE OF PLANTS AND MACHINERY IN INDIA DURING WAR.

234. *Mr. Manu Subedar: (a) Will the Honourable the Industries and Supplies Member please state whether it is a fact that plants for the manufacture of sugar, vegetable ghee, distillery equipment, oil expellers and many other industrial plants on order have been manufactured in India during the period of the war?

(b) What precautions have Government taken in order to see that the manufacturing capacity developed in this manner is not liquidated, but continues to function?

(c) Have Government made any provision to see that orders to the full capacity are given to the local manufacturers for the class of goods, which they are manufacturing satisfactorily?

(d) Have Government made any arrangements with regard to factories licensed by them, stipulating that the machineries will be ordered in India?

(e) Will Government make a statement of their policy in connection with this question so as to reassure manufacturers of plant and machineries in India that they will get on a priority basis their share of orders in the increased industrialisation of this country?

The Honourable Mr. A. A. Waugh: (a) Yes, Sir, with the exception of certain parts like electrical machinery. Complete sugar plants, however, have not been manufactured in India.

(b) In a Press Note issued on the 14th August 1945, Government assured producers and manufacturers that, so long as the various controls remain in force, they would endeavour to give assistance for the production of civil supplies in the same way as previously of war supplies and make the greatest possible use of indigenous production, and particularly of those industries which have, under the influence of war needs, achieved production conforming to acceptable standards and specifications. A Tariff Board has been set up by Government to examine claims for assistance or protection of industries which have been started or developed in war-time and which are established and conducted on sound business lines.

(c) No, Sir. Government have no hand in placing of private orders for these plants by users and it is for the manufacturers themselves to canvass orders for full capacity. For stores which are under control, Indian production is taken into account when issuing licenses for imports.

(d) No, Sir. I have explained the position in answer to the previous part of the question.

(e) The policy of Government in this regard has already been clarified in paragraph 9(i), (ii), (iii) and (iv) of the 'Statement of Government's Industrial Policy' issued by the Planning and Development Department on 21st April 1945 and in the Press Note issued by the Department of Supply on 14th August 1945.

Briefly, the policy is that 'subject to reasonable safeguards as to quality and price, Government will continue to encourage Indian industry by buying its products in preference to others'. It has also been decided that before some items of machinery were allowed to be imported, it should be examined whether they are not being, or cannot be, manufactured in India.

Mr. Manu Subedar: Will the Honourable Member investigate the complaint which I am making here on behalf of these manufacturers that there is not sufficient co-ordination in the various Departments of the Government and as my Honourable friend is in charge of industry, it is his duty to see that the Declaration of the 14th August and other declarations which he has now made on the floor of the House are carried out? Is the Food Department not issuing licences for vegetable Ghee factories on condition that the equipment be imported from the United Kingdom when plants of this type have been made in India and are working satisfactorily?

The Honourable Mr. A. A. Waugh: Yes, Sir; we have tried to co-ordinate the policy of the different Departments. In the particular case of Vanaspati plants, to which my Honourable friend refers, the subject was very fully thrashed out with the would-be users and manufacturers of such plant and the conclusion came to by the industrialists concerned was that it is better at the present stage to allow people either to have the machinery manufactured here or to obtain it from abroad. That is only at the present stage.

Mr. Manu Subedar: Will the Honourable Member investigate the complaint which I am making now that there is no such co-ordination and that the orders are being canalised to the United Kingdom and that the Planning and Development Department, the Commerce Department and the Food Department are all erring with regard to this matter and are encouraging the orders in the United Kingdom rather than have the stuff manufactured here? Will he please investigate this?

The Honourable Mr. A. A. Waugh: I will investigate this.

RECRUITMENT OF SUBORDINATE STAFF ON M. & S. M. RAILWAY

235. *Sri M. Ananthasayanam Ayyangar: Will the Honourable the Railway Member please state:

(a) how recruitment of staff (subordinate) drawing over Rs. 100 *per mensem* on the Madras and Southern Mahratta Railway is made, and whether there are any Selection Boards for the purpose;

(b) if the answer to (a) is in the affirmative, whether they are part time or whole time officers; and whether they consider promotions or appointments purely on merit;

(c) whether there are different scales of pay for the Anglo-Indians and Indians for the same post, or whether there are in effect grades to which only Anglo-Indians are, as a rule, promoted and not Indians;

(d) whether any kind of preference is shown to any class of persons in recruitment to subordinate posts or gazetted posts; and, if so, what, and the reasons therefor;

(e) whether any preference that may be shown to children or relatives of persons in the Railway service is shown only to the Anglo-Indians; and

(f) the number of persons recruited by promotion or direct appointment during the year 1945, on this Railway, and how many of them were—(i) Hindus, (ii) Muslims, and (iii) Anglo-Indians and others, for posts drawing Rs. 100 *per mensem* and over?

The Honourable Sir Edward Benthall: (a) to (f). The Honourable Member is referred to my reply to Starred Question No. 110, asked in the House on 8th February, 1946. Government understand that promotions in certain cases on the M. & S. M. Railway are being made without the aid of a selection board, and the question whether this is in accordance with the rules is being examined further. Information regarding direct recruitment on the M. & S. M. Railway to posts carrying a salary of Rs. 100 p.m. and over is being collected and will be laid on the table of the House in due course.

Mr. Frank R. Anthony: In view of the communal nature of part (c) of the question, is the Honourable Member aware of the widespread rumours that Hindu officers, particularly Brahman Hindu officers, invariably practice discrimination in favour of caste Hindu employees in the matter of promotion and selection?

The Honourable Sir Edward Benthall: I have heard it from interested parties.

RECRUITMENT OF SUBORDINATE STAFF ON N. W. RAILWAY

236. *Sri. R. Venkatasubba Reddiar: Will the Honourable the Railway Member please state:

(a) how recruitment of staff (subordinate) drawing over Rs. 100, *per mensem* on the North Western Railway is made, and whether there are any Selection Boards for the purpose;

(b) if the answer to (a) is in the affirmative, whether they are part time or whole time officers; and whether they consider promotions or appointments purely on merit;

(c) whether there are different scales of pay for the Anglo-Indians and Indians for the same post, or whether there are in effect grades to which only Anglo-Indians are, as a rule, promoted and not Indians;

(d) whether any kind of preference is shown to any class of persons in recruitment to subordinate posts or gazetted posts; and, if so, what, and the reasons therefor;

(e) whether any preference that may be shown to children or relatives of persons in the Railway service is shown only to the Anglo-Indians; and

(f) the number of persons recruited by promotion or direct appointment, during the year 1945, on this Railway, and how many of them were—(i) Hindus, (ii) Muslims, and (iii) Anglo-Indians and others, for posts drawing Rs. 100, *per mensem* and over?

The Honourable Sir Edward Benthall: (a) to (f). The Honourable Member is referred to my reply to his Starred Question No. 110, asked on 8th February, 1946.

As regards direct recruitment on the N. W. Railway to posts carrying a salary of Rs. 100 p.m. and over, the required information is as under:—

Community	Direct Recruits
Muslims	66
Other Minority Communities	31
Anglo-Indians and Domiciled Europeans	6
Hindus	34

Prof. N. G. Ranga: With regard to part (a), what is the nature of this selection board?

The Honourable Sir Edward Benthall: *Ad hoc* selection board, I think.

Prof. N. G. Ranga: Who appoints them?

The Honourable Sir Edward Benthall: The railway authorities.

Prof. N. G. Ranga: For what period?

The Honourable Sir Edward Benthall: For the purpose of selection, I think,

Prof. N. G. Ranga: For what period? Is it for special periods or for a period of three years?

The Honourable Sir Edward Benthall: For the period required to make the selection.

Sri M. Ananthasayanam Ayyangar: Why don't you hand over the selection to the Federal Public Services Commission?

The Honourable Sir Edward Benthall: That applies to gazetted staff only.

REVISION OF SCALES OF PAY OF THE POSTAL AND R.M.S. EMPLOYEES

237. *Pandit Sri Krishna Dutt Paliwal: (a) Will the Secretary of Posts and Air please state whether his attention has been drawn to the resolution passed by the Conference of the All India Union of Postal and R.M.S. employees to the effect that on and from the 15th February, 1946, the entire Postal and R.M.S., E.D.As., and E.D.Ms., who are under the organisations of the All India Postal and R.M.S. Union shall commence attending office in the minimum dress with a red badge containing the words "Hungry Postal Employee" printed on it till the revision of the scales of pay is accepted by Government?

(b) Will he please state the step or steps which Government intend to take to revise the scales of pay of the Postal and R.M.S. employees?

Sir Gurunath Bewoor: (a) Yes.

(b) I would refer the Honourable Member to the statement which I made in the House in the course of the debate on Thursday the 7th of February.

Prof. N. G. Ranga: Has the Honourable Member had any further conference with the Federation concerned after this House had an opportunity of discussing this matter?

Sir Gurunath Bewoor: The debate took place on 7th February, and since then we have been examining the various demands made by the Federation and we hope to come to a decision very early. In the meantime, contact is being maintained with various office bearers of the Union.

Shri Mohan Lal Saksena: May I know if any action will be taken against these employees for putting on these badges?

Sir Gurunath Bewoor: I do not know whether they have started putting on badges. I earnestly hope that the employees will not make themselves ridiculous in relation to similar employees of other Government departments who perhaps get something less than the postal employees and yet they do not put on these badges.

Sri M. Ananthasayanam Ayyangar: May I know whether the Commission referred to by the Honourable Member has been appointed?

Sir Gurunath Bewoor: It is going to be appointed. It will take some time to select the personnel required for the commission and to collect the material required for the work. But it is on hand.

Shri Sri Prakasa: Will the Honourable Member tell us what exactly is the situation today, and whether there is any danger of the threatened strike materialising or not?

Sir Gurunath Bewoor: I do not think there has been any development since the last five days. But the news appeared this morning that the all India Postal Union had given notice to strike to the Director General. But the fact, however, is that the Director General has not yet received any such notice.

Mr. B. B. Varma: May I know if the Honourable Member is aware of the fact that the postal employees in Bihar were putting on these badges, and that on the assurance given by the Post Master General that he will strongly recommend their case for revision of scales of pay, that they discontinued wearing these badges?

Sir Gurunath Bewoor: I do not know whether the Honourable Member is referring to an incident which took place last year or to an incident which is taking place at present?

Mr. B. B. Varma: Only a few months ago.

Sir Gurunath Bewoor: They started wearing badges and I believe the Post Master General persuaded them to give up wearing badges.

Mr. B. B. Varma: It was on the assurance that he would recommend their case strongly.

Sir Gurnath Bewoor: I will make enquiries.

Mr. B. B. Varma: The Postmaster General also wrote a letter to that effect?

Sir Gurnath Bewoor: I will enquire.

ARREST OF RAJA MAHENDRA PRATAP.

238. *Pandit Sri Krishna Dutt Paliwal: (a) Will the Secretary for External Affairs please state if it is a fact that Raja Mahandra Pratap was arrested in Japan under the order of General MacArthur on the ground that he was the General of the Aryan Army there?

(b) Will he state the present whereabouts of Raja Mahandra Pratap?

(c) Do Government intend to permit Raja Mahandra Pratap to return to India as a free man?

Mr. H. Weightman: (a) and (b). The Government of India have no official information, but have seen press reports of his arrest and subsequent release in Japan.

(c) Since Raja Mahandra Pratap renounced his British Indian nationality, Government are under no obligation to afford him entry into India.

Prof. N. G. Ranga: In view of the fact that many people in this country take interest in his welfare and what happens to him, will the Honourable Member enquire and see that he is given proper facilities if he desires to return to India?

Mr. H. Weightman: He has not applied to return to India; so the question is hypothetical.

Prof. N. G. Ranga: In the interest of those people in India who are anxious about his welfare, will the Honourable Member enquire and find out his whereabouts?

Mr. H. Weightman: I suggest his own family should make enquiries.

Prof. N. G. Ranga: In view of the fact that this gentleman has left India more than thirty years ago, it is doubtful whether he has got any sort of relatives still alive. We all feel very much interested in him and all of us consider ourselves to be his relatives.....

Mr. President: Order, order. The Honourable Member should put a question.

Prof. N. G. Ranga: In view of the fact that a large number of people in this country are interested in him, will the Honourable Member make enquiries?

Dr. Sir Zia Uddin Ahmad: His brother is alive.

COAL SUPPLY FOR TOBACCO FLUE-CURING

239. *Prof. N. G. Ranga: Will the Honourable Member for Industries and Supplies be pleased to state:

(a) who is responsible for allotment and distribution of coal for tobacco flue-curing in the Madras Presidency, and who entertains complaints regarding distribution and actual despatch of coal as between the distributors and consumers;

(b) whether Government have received any complaints from the consumers of the Ongole Area of the Guntur District regarding the wrong weights and excess rates imposed on consumers by the retailer at Chivala and Ongole and the refusal of the Indian Leaf Tobacco Development Company (i.e., I.L.T.D.) the wholesaler for North Indian Coal. (that is, other than Singareni Coal) to entertain any complaints against the authorised retailer appointed by them; if so, when and how often;

(c) whether it is a fact that Mr. K. Sankavazza has suggested to Government on behalf of the consumers of the Ongole area that just as the Singareni Collieries have been supplying coal directly to consumers since 1943, North India coal also may be supplied directly to such of the consumers as desire it, without the unwanted mediation of the wholesaler and retailer;

(d) the reason why Government persists in imposing the unwanted, too costly services of these middlemen on the consumers; and

(e) whether it is also a fact that, in view of the refusal of the wholesaler to deal any longer with Mr. Sankavazza, the Ongole consumers of coal are today without any coal supplies for their tobacco flue-curing?

The Honourable Mr. A. A. Waugh: (a) On recommendations made by the Tobacco Adviser, the Central Government fixes each month a quota of coal for all flue-curing concerns in India. Out of this quota, an allotment is issued by the Deputy Coal Commissioner (Distribution) in favour of the Indian Leaf Tobacco Development Co. to meet the requirements of flue-curing concerns in South India. Shipments of this coal are arranged according to the programme prepared by the Indian Leaf Tobacco Development Company who distribute it among the ryots under the supervision of the Excise Department. Complaints regarding distribution and actual despatches of coal between the distributor and consumers should therefore be entertained by the Indian Leaf Tobacco Development Company.

(b) Yes, Sir. A complaint in this connection was received from Mr. K. Sankaraih in August last. This was referred to the Provincial Coal Controller, Madras who on enquiry stated that such complaints were found to have little justification.

(c) Such a suggestion was made by Mr. K. Sankaraih, not by Mr. Sankarazza.

(d) To avoid delay in coal transport, it is essential to arrange despatches to one distributor, rather than direct supplies to a large number of consumers. Government will not however object to making direct supplies to individual consumers provided the tonnage required is substantial, and the case is recommended by the Tobacco Adviser and responsibility is accepted for prompt payment to the collieries.

(e) During the current tobacco curing season 2,092 tons of coal (other than Singareni) were despatched to Indian Leaf Tobacco Development Co. up to the end of January, 1946 to meet the requirements of the Ongole area.

Prof. N. G. Ranga: In what capacity have the Government entrusted this Indian Leaf Tobacco Development Company with powers to supply or not to supply coal to individual businessmen? Why should a private company be conferred with these powers?

The Honourable Mr. A. A. Waugh: They are consumers' distributors but if anybody wants to get direct supplies, we have no objection.

Prof. N. G. Ranga: Is it not a fact that although the flue-curing concerns and tobacco growers required to be supplied direct and although they are prepared to give necessary securities, yet they have not been supplied so far with the necessary coal?

The Honourable Mr. A. A. Waugh: I have no information that any firm made any such offer.

Sri V. Gangaraju: May I know whether Government are prepared to supply separately to the tobacco growers for curing purposes?

The Honourable Mr. A. A. Waugh: Provided there is adequate guarantee of adequate orders and of prompt payment to collieries by the tobacco growers.

Prof. N. G. Ranga: Who is to decide whether the assurances given by the tobacco growers are satisfactory or not? Is it the Tobacco officer or the Indian Leaf Tobacco Development company?

The Honourable Mr. A. A. Waugh: The Tobacco Adviser.

DIRECT SUPPLY OF COAL TO TOBACCO FLUE-CURING COAL CONSUMERS OF ONGOLE

240. ***Prof. N. G. Ranga:** Will the Honourable Member for Industries and Supplies be pleased to state:

(a) if it is a fact that Mr. K. Sankavazza complained on behalf of the Ongole Area coal consumers who are tobacco flue-curers to the Deputy Coal Commissioner (Distribution, Calcutta) on the 14th August, 1945, about the malpractices

of the retailer and the refusal of the wholesaler to set right the retailer for the distribution of coal at Chivala and Ongole and requested the said officer to subdivide the quota of coal, already allotted for flue-curing in the Ongole area, so far as the needs of those flue-curers who desire direct despatch and supply of coal in the Ongole area are concerned;

(b) whether it is also a fact that Mr. Sankavazza interviewed his assistant Mr. Scott at Calcutta on the 2nd January, 1946, and told him that unless coal was supplied to flue-curers immediately, it would be too late for this flue-curing season commencing from about the 15th January, 1946;

(c) whether it is a fact that he advised Mr. Sankavazza to approach the Tobacco Adviser at New Delhi and that Mr. Sankavazza interviewed the Tobacco Adviser in Bombay on the 26th January, and was told that it was only the Deputy Coal Commissioner at Calcutta who had to pass final orders on distribution and that he could not interfere; and

(d) what Government propose to do in order to ensure timely and direct supply of coal to the tobacco-flue-curing coal consumers of the Ongole area?

The Honourable Mr. A. A. Waugh: (a) A complaint was received from Mr. K. Sankaraih (not Mr. Sankavazza). The attention of the Honourable Member is invited to reply to parts (b), (c) and (d) of Question No. 239.

(b) and (c). Mr. K. Sankaraih (not Mr. K. Sankavazza) interviewed Mr. Scott. He was informed that Government would have no objection to arrange direct supplies in his favour or in favour of individual ryots provided their case was recommended by the Tobacco Adviser.

(d) The attention of the Honourable Member is invited to reply to part (d) of Question No. 239.

Prof. N. G. Ranga: Sir, I have myself given copious information here but the Honourable Member says he is not able to do anything. His own Tobacco Adviser was approached on behalf of the growers for this privilege and the Tobacco Adviser said he had no powers and he asked this gentleman to interview the Deputy Coal Commissioner. Is the Honourable Member aware that if they make the tobacco growers run from pillar to post in this manner they will not be able to carry on tobacco growing and flue-curing?

The Honourable Mr. A. A. Waugh: I have already said that the Deputy Coal Commissioner, subject to the availability of coal, will entertain such applications.

Prof. N. G. Ranga: Is the Honourable Member aware that even till today coal has not been supplied to our tobacco growers there although the flue-curing season starts in the middle of January?

The Honourable Mr. A. A. Waugh: Sir, I have no information.

GOVERNMENT POLICY *re* RAIL ROAD CO-ORDINATION.

241. *Seth Govind Das: (a) Will the Honourable Member for War Transport be pleased to state whether the policy of the Central Government regarding the Rail-Road Co-ordination, was clearly laid down by notifications in every Province particularly in the Central Provinces and Berar by its Government?

(b) If the answer to (a) is in the negative, what are the reasons for not doing so?

(c) Does the Honourable Member now propose to issue necessary instructions to the Government of the Central Provinces and Berar for laying out this policy of Rail-Road Co-ordination?

The Honourable Sir Edward Benthall: (a) The policy of the Central Government regarding Rail-Road Co-ordination has been set out in the White Paper which was laid on the table of this House at the opening of this session and which has been circulated to all Provincial Governments. Communiques or notifications have been issued by all Provinces in which negotiations for the

formation of tripartite companies have reached an advanced stage. A communique has also been issued in one other Province and one Provincial Government has passed a Resolution on the subject. In the Central Provinces the Provincial Government have sent the President of the Provincial Motor Union a detailed Memorandum setting out their views on Road-Rail Co-ordination policy and forwarding him printed copies of the Central Government's White Paper for distribution to Motor Unions.

(b) and (c). Do not arise.

Seth Govind Das: Will Government in the present circumstances defer this matter till popular Governments come into power, and leave the matter to them?

The Honourable Sir Edward Benthall: The whole matter is being considered by the Committee at present.

Babu Ram Narayan Singh: Is it a fact that the Bihar Government are against this Road-Rail co-ordination?

The Honourable Sir Edward Benthall: I do not think that is a strictly accurate description of the Bihar Government's policy. They are framing a policy of their own.

Mr. Muhammad Nauman: May I know what views of the Bihar Government have been so far received? Is it a fact that they do not see eye to eye with the Government of India in the matter of the road-rail programme as in the White Paper?

The Honourable Sir Edward Benthall: They differ in certain respects. I do not think they have yet put out a communique, which is the subject of this question.

Shri Sri Prakasa: May I know how far the work of that Committee has progressed and whether the Honourable Member has asked all provincial Governments to stay their hands till the work of this Committee is completed?

The Honourable Sir Edward Benthall: Yes, Sir; I informed the Provincial Governments and the Railway Administrations that we will make no further financial commitments till this Committee has reported. The Committee has had several sittings and is meeting again today.

Shri D. P. Karmarkar: Is the Honourable Member aware that the Bombay Government is proceeding with this scheme in spite of the fact that the Committee is making inquiries into the matter and that fresh permits have been issued after it was entrusted to this Committee?

The Honourable Sir Edward Benthall: Yes, Sir, but that has nothing to do with the Central Government.

Shri D. P. Karmarkar: In the interest of harmony of the whole scheme will the Honourable Member advise the provincial Government to stay its hand till the report of this Committee is submitted?

The Honourable Sir Edward Benthall: The provincial Government is fully aware of the position.

SURRENDER OF MOTOR VEHICLES BY THE CENTRAL PROVINCES GOVERNMENT TO CENTRAL GOVERNMENT.

242. *Seth Govind Das: (a) Will the Honourable Member for War Transport please state the number of new motor vehicles of lend-lease or otherwise, which have been surrendered back to the Central Government by the Government of the Central Provinces and Berar, out of the quota allotted to this Province, since the control over the motor vehicles came in force?

(b) What were the reasons stated by the Provincial Government, in question, for such surrender?

(c) Is it a fact that there was no urgent necessity for new vehicles in that Province?

The Honourable Sir Edward Benthall: (a) 80 Government owned Austin 10 H. P. motor cars were allotted to the Central Provinces in July, 1945, out of which 14 have been surrendered. No other motor vehicles have been surrendered by the Central Provinces Government.

(b) The reason stated by the Provincial Government for this surrender was that there was no demand for the remaining 14 motor cars and they could not therefore be disposed of in the Province.

(c) It is understood that the present price of these cars was the reason why they could not be sold. Presumably intending purchasers preferred to await the arrival of commercially imported motor cars in the hope that prices would be lower.

Lt.-Col. Dr. J. C. Chatterjee: In view of the fact that the Central Government have by lend or lease or otherwise come in possession of a number of spare motor vehicles, will the Honourable Member consider the desirability of allotting an adequate number of jeeps for the use of Members of this House and let them acquire these at reduced prices?

The Honourable Sir Edward Benthall: As far as I am aware, the present Government does not own any jeeps.

Mr. Manu Subedar: When does the Honourable Member expect that commercially imported vehicles will be available to the civil population, who have been waiting for them so long?

The Honourable Sir Edward Benthall: Licences have been given for a certain number, but whether any have arrived I do not know. But the price of the commercially imported 10 H. P. Austin cars has been fixed at a higher figure than for these Government imported ones; and it is possible that those who rejected the chances of getting cheaper Government imported cars may regret their action.

Mr. Manu Subedar: Is it a fact that cars can be imported cheaper from the U.S.A. and that many importers have approached Government for permission to do so, but they have been refused? Is it dollar difficulty or British patriotism?

The Honourable Sir Edward Benthall: I think that is rather straying outside the sphere of the question; I shall require notice.

Shri Mohan Lal Saksena: May I know if cars were surrendered by other provinces also, besides the C. P.?

The Honourable Sir Edward Benthall: I want notice of that question.

Mr. P. B. Gole: Is the Honourable Member aware that many applications for these cars have been turned down by the C. P. Government?

The Honourable Sir Edward Benthall: No, Sir; I am informed that there was no demand for these particular cars, and that is why that Government surrendered them.

Shri Mohan Lal Saksena: Is it a fact that Government did not want to sell these to other companies beside two specific companies and that is why these cars have not been sold?

The Honourable Sir Edward Benthall: No, Sir.

Shri Mohan Lal Saksena: Will the Honourable Member make inquiries?

The Honourable Sir Edward Benthall: I have made inquiries and these are the reasons I have given. There is another reason, and that is that the paint on these cars was not attractive.

Shri Mohan Lal Saksena: Am I to understand that if there are applications pending from another company there will be no objection to supplying them?

The Honourable Sir Edward Benthall: The difficulty is that these have been surrendered and allotted to some other people.

Shri Sri Prakasa: What was the occasion for this surrender? Did the Central Government wage war against the C. P. Government?

Mr. President: Order, order. Next question.

PERMITS FOR STAGE CARRIAGES FOR PRIVATE USE.

243. *Seth Govind Das: (a) Will the Honourable Member for War Transport please state if it is a fact that permits, for stage carriages have been issued under the Defence of India Rules to individuals for private use, neither connected with war works nor in aid of war works?

(b) What is the number of such permits issued since 1944, in the Central Provinces and Berar?

The Honourable Sir Edward Benthall: (a) and (b). Permits are not issued under the Defence of India Rules. If the Honourable Member refers to Ordinance No. XXXI of 1945, that Ordinance, in order to meet the situation created by the war, empowered the statutory authority constituted under the Motor Vehicles Act to issue permits without being bound by the maximum and minimum periods for which they are effective as fixed by the Act. The Central Government have no information as to the number of permits issued under the authority of the Ordinance in any particular Province.

Mr. P. B. Gole: Will the Honourable Member kindly enquire how many applications for renewal of permits by the operators have been turned down by the Provincial Government?

The Honourable Sir Edward Benthall: Yes, Sir.

Seth Govind Das: Will the Honourable Member make further enquiries as to why permits are being given to the new operators and not to the old ones. There is a complaint in the Provinces that these permits have been issued to new operators and not to the old ones. Will the Honourable Member make enquiries from the Central Provinces why old operators were not given any permits?

The Honourable Sir Edward Benthall: Yes, Sir. I will make enquiries.

Shri Mohan Lal Saksena: Is the Honourable Member aware that a circular has been issued by the Provincial Transport Authority saying that in future permits will be granted only to those companies in which the Government and the Railways are interested?

The Honourable Sir Edward Benthall: That question arises on the previous question—No. 241.

Mr. President: Next question.

QUANTITY AND VALUE OF CLOTH QUOTA IN BIHAR

244. *Mr. Madandhari Singh: Will the Honourable Member for Industries and Supplies please state:

(a) the quantity and value of the latest quota of cloth allotted to the Province of Bihar;

(b) the basis on which the respective quota was fixed;

(c) whether the Honourable Member is aware of the scarcity of dhoties and saris (popular cloth) in Bihar; and

(d) whether steps have been taken to remove the scarcity?

The Honourable Mr. A. A. Waugh: (a) Bihar's monthly quota of cloth is 35,736,000 yards. The value of this quantity is about 2.08 crores of rupees.

(b) Quotas for all provinces are fixed on the basis of their population and their consumption in pre-war years.

(c) Yes, Sir.

(d) Yes. The Textile Industry (Control of Production) Order, 1945, compels mills to devote 60 per cent. of their capacity to the production of certain types of cloth in popular demand, among which Dhoties and Saris are included.

Mr. Muhammad Nauman: May I know what was the consumption of Bihar in pre-war days and how it has been calculated?

The Honourable Mr. A. A. Waugh: I must ask for notice of that question.

Mr. Muhammad Nauman: You have just said in reply to part (b) of the question that the basis of calculation was the consumption of that province in the pre-war days. How did you make this calculation?

The Honourable Mr. A. A. Waugh: I shall give the information asked for by the Honourable Member after making enquiries. I cannot say off-hand how the actual calculation was made.

Sreejot Rohini Kumar Choudhuri: In fixing the quota is any consideration given to the provinces which have no textile mills?

The Honourable Mr. A. A. Waugh: Yes, Sir. Consideration is given to the present population of the province, on the basis of its pre-war consumption.

Babu Ram Narayan Singh: Is it not a fact that Bihar has not been getting her full quota for the past two or three years?

The Honourable Mr. A. A. Waugh: I am not aware of it.

Babu Ram Narayan Singh: Will the Honourable Member enquire into the matter?

The Honourable Mr. A. A. Waugh: Certainly, Sir.

Sri M. Ananthasayanam Ayyangar: May I know whether in calculating the consumption of goods in pre-war years, only that cloth which was manufactured in the Mills in India is included, or does it also include those quantities which were imported either from Japan or from Lancashire?

The Honourable Mr. A. A. Waugh: So far as I am aware, it includes the total consumption and not just the consumption of cloth made in India.

Khan Abdul Ghani Khan: What is the percentage of reduction on the average for the whole of India? The supply of cloth per head was reduced according to the scarcity of the supplies available for civilian consumption. Will the Honourable Member tell me what was the percentage of reduction for each province or for the whole of India?

The Honourable Mr. A. A. Waugh: I cannot give that information off-hand. I was only asked about the quantity and value of cloth for Bihar.

Mr. Muhammad Nauman: Has the Government got a complete record of all this?

The Honourable Mr. A. A. Waugh: Sir, I want notice of this question.

Sri M. Ananthasayanam Ayyangar: May I know, Sir, whether in fixing a quota for the various provinces, the production of cloth by handlooms was also taken into consideration?

The Honourable Mr. A. A. Waugh: I believe it was.

Babu Ram Narayan Singh: May I know whether in fixing a quota for various districts in the province, the Provincial Governments are independent or do they fix the quota in consultation with the representatives of the Government of India?

The Honourable Mr. A. A. Waugh: No, Sir. The internal distribution is a matter for the Provincial Government.

Khan Abdul Ghani Khan: How does the Honourable Member fix the quota for a province if he does not know how much he has to cut?

Mr. President: The Honourable Member wanted to have notice of that question. Next question.

QUANTITY AND VALUE OF KEROSENE OIL QUOTA IN BIHAR

245. *Mr. Madandhari Singh: Will the Honourable Member for Industries and Supplies please state:

(a) the quantity and value of the latest quota of kerosene oil allotted to the Province of Bihar;

(b) the basis on which the quota was fixed;

(c) whether the Honourable Member is aware of the acute scarcity of kerosene oil in the rural areas of the Province of Bihar;

(d) the reason why quota of kerosene oil has been reduced in the month of January; and

(e) whether Government propose to take steps to remove the scarcity in the near future?

The Honourable Mr. A. A. Waugh: (a) and (b). Kerosene quotas are not fixed on a Provincial/State basis as the Oil Companies' distribution arrangements are based on rail-heads and their districts are not co-terminus with provincial boundaries. Information regarding the exact quantity and value of Bihar's quota is, therefore, not readily available, but can be furnished in due course if the Honourable Member desires.

For the purposes of easy reckoning, the releases to the various supply areas of the Oil Companies are expressed in terms of percentage of their consumption in 1941. Current releases to all the supply areas in the country are at the level of 65 per cent. of their 1941 off-take.

(c) The Government of India have no information. Internal distribution is the responsibility of the Provincial Government.

(d) and (e). Releases of Kerosene had to be reduced in January in order to conserve up-country stocks against the likely shortage due to the recent strike and unrest among the Oil Companies' labour. Since then, it has not only been restored but increased from 60 per cent. of 1941 consumption (the level of releases prevailing in December in the supply area in which Bihar is situated) to 65 per cent. of 1941 consumption from February 1946 onwards.

Mr. Muhammad Nauman: May I know whether the Government has got any figures to show what was the oil consumption of that province before the war, and how does it compare with the present quota?

The Honourable Mr. A. A. Waugh: I will make enquiries about that.

Prof. N. G. Ranga: Will the Honourable Member consider the desirability of doing away with the existing discrimination as between the rural areas and urban areas in the distribution of kerosene oil?

The Honourable Mr. A. A. Waugh: That is a matter for the Provincial Government.

Sreejuti Rohini Kumar Choudhuri: May I know if any special quota is given to the students during their examination time?

The Honourable Mr. A. A. Waugh: I am not aware of that. It is for the Provincial Government to consider.

Prof. N. G. Ranga: May I know who decides to give greater quota of kerosene to towns where there is already electric lighting than what is being given to rural areas? Is that also for the Provincial Government to consider?

The Honourable Mr. A. A. Waugh: That is a matter of internal distribution.

Prof. N. G. Ranga: Where will the Central Government come in in regard to this grievance which is felt by the rural areas? Has the Central Government no responsibility at all for seeing that people in the rural areas do get sufficient quantities of kerosene oil?

The Honourable Mr. A. A. Waugh: I am not aware that the rural areas do not get an adequate share of what is available for distribution.

Prof. N. G. Ranga: It is on the basis of that information that I have put this question. Will the Honourable Member at least be good enough to communicate the question and his answers to this question as well as the supplementaries to the different Provincial Governments and bring it to their notice the discontentment felt by the rural areas that they are not being dealt with properly?

The Honourable Mr. A. A. Waugh: I am prepared to send the question and answers to the Provincial Governments.

DETENTION OF AFGHAN PRINCES IN INDIA

246. *Shri Sri Prakasa: Will the Foreign Secretary be pleased to state:

(a) if any Afghan princes are being detained in India; if so, the names of these;

(b) the reasons, if any, for such detention; and

(c) the expenditure that is being incurred on them, and the allowances that are being paid to their families?

Mr. H. Weightman: (a) There are 10 persons detained in jail in India who are connected in varying degrees of remoteness with previous dynasties in Afghanistan. Their names are as follows:

- (1) Sardar Ghulam Ahmad, s/o Sardar Ali Ahmad Jan,
- (2) Sardar Fazal Ahmad, s/o Sardar Ali Ahmad Jan,
- (3) Sardar Ali Mohammad, s/o Sardar Ali Ahmad Jan,
- (4) Sardar Fakir Ahmad, s/o Sardar Ali Ahmad Jan,
- (5) Musammat Shah Bano, wife of Sardar Ali Ahmad Jan,
- (6) Musammat Shah Gul, wife of Sardar Ghulam Ahmad,
- (7) Musammat Mah Gul, wife of Sardar Ghulam Ahmad,
- (8) Musammat Mah Gul, wife of Sardar Ali Mohammad,
- (9) Sardar Abdulla Jan, son of Sardar Mohd. Ishaq Khan, and
- (10) Sardar Mohd. Hasan Khan, s/o Sadrar Mohd. Ishaq Khan.

(b) The first 4 and the last 2 in this list are detained for reasons of State connected with External Affairs. The 4 ladies are the dependents of Nos. 1 to 4 and accompany them by their own wish.

(c) Nos. 1 to 8 receive allowances totalling Rs. 11,160 per annum. In addition Government expends some Rs. 4,000 per annum on the education of the children of Sardars Ghulam Ahmad and Ali Mohammad. Nos. 9 and 10 have only recently been placed under detention and the question of the allowances to be granted to them or their families has yet to be decided.

Maintenance costs for all amount to roughly Rs. 3,650 per annum.

Prof. N. G. Ranga: When were these gentlemen arrested and where? Was it in India or was it in Afghanistan?

Mr. H. Weightman: The first four on the list surrendered in India. The ladies came to join them later. The last two were again arrested in India.

Shri Sri Prakasa: Are they being detained for any offence committed in India or in their own country?

Mr. H. Weightman: The position is that these people have been implicated in efforts to subvert the Government of a neighbouring friendly country from bases in India.

Shri Sri Prakasa: Does not international law lay it down that political offenders cannot be interned in a country in this manner, and if these gentlemen and ladies have been committing political offences in another country, may I know how the Government of India regards it its right to intern them in India?

Mr. H. Weightman: The offences were committed in India. As I tried to explain they attempted to subvert the Government of a neighbouring friendly country, operating from bases in India.

Mr. M. Asaf Ali: I am anxious to find out from the Honourable the External Affairs Secretary, how long these people are to be detained: is there a limit to their detention or none: and also while they are in detention will their allowances remain where they are, or will they be raised in consonance with their position and status?

Mr. H. Weightman: There were two questions.

Mr. M. Asaf Ali: I am sorry.

Mr. H. Weightman: One was about the length of time: no time has been fixed. No. 2 was

Mr. President: About allowances—whether they will remain at the same figure or be revised?

Mr. H. Weightman: About allowances, I do not think there will be any question of revision of education allowances until the time comes when they are no longer required.

(b) WRITTEN ANSWERS

NUMBER OF SIKH SUPERINTENDENTS, ASSISTANTS AND CLERKS IN CERTAIN OFFICES

247. *Sardar Mangal Singh: (a) Will the Honourable Member for Industries and Supplies please state separately the number of Sikhs employed as Superintendents, Assistants and Clerks in the Office of the Chief Controller of Purchase (Supply), Main Secretariat, Director General Supply, Director General (Disposals) and Chief Registration Office?

(b) What is the number of Sikhs intended to be retained in the above cadres in the above mentioned offices?

(c) Will he please assure that the number of Sikhs retained in each category will not fall short of their communal proportion?

The Honourable Mr. A. A. Waugh: (a) A statement is placed on the table.

(b) The information required cannot be furnished at present, as the strength of the new offices of the Directorate General, Industries and Supplies, (in which the Directorate General of Supply and the Chief Controller of Purchase (Supply) have been merged) and of the Directorate General, Disposals, has not been finally determined.

(c) Every effort will be made to ensure adequate representation of Sikhs in these posts.

Statement

Organization	No. of Sikhs employed as		
	Superintendents	Assistants	Clerks
Directorate General of Industries and Supplies .	2	30	19
Main Secretariat	1	13	9
Directorate General of Disposals . . . . .	...	6	7
Office of the Chief Registration Officer	1	1	...

INDIANS AS HEADS OF DEPARTMENTS IN RAILWAY ADMINISTRATIONS

248. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Railway Member be pleased to state if he has appointed any Indian as General Manager or Chief Officer for the Commercial or Traffic Departments in any of the Railway administrations during the last year, since the Railway Administrations have been taken over by the State? If so, what is the name of the Railway, the post, and the name of the officer?

(b) Has any programme for Indianising the heads of Departments in the several Railway Administrations and the Railway Board been undertaken by him?

(c) With reference to his budget speech last year that Railways are 99½ per cent. Indian-operated, what does the other ½ per cent. consists of, the denomination of the officers, the number in the several denominations and the salaries they are drawing?

(d) What steps, if any, have been taken to Indianise the remaining ½ per cent?

(e) If no steps have been taken, why not?

The Honourable Sir Edward Benthall: (a) I am not quite clear as to the particular Railways to which the Honourable Member refers. If he is seeking information in respect of the M. & S. M., the S. I. and the B. N. Railways, which have been taken over by the State recently, one Indian officer has been appointed as Transportation Manager of the B. N. Railway in 1945.

(b) Administrative posts like those of Heads of Departments are filled by the promotion of officers on considerations of merit. More Indians will fill such posts when those recruited under Government's policy of Indianisation, which has been in force for over ten years, become eligible, by service and experience, for selection.

(c) Europeans comprise the quarter per cent. referred to. As regards the remaining portion of this part of the question, it is not clear what the Honourable Member means by "denomination". If he is referring to grades of staff; so far as gazetted officers are concerned, all available information will be found in the latest edition of the Classified List of Officers on Railways, a copy of which is available in the Library of the House. As regards other staff, I regret I cannot undertake to collect the information as it would involve an expenditure of time and labour incommensurate with the results.

(d) and (e). No steps have been taken as normal wastage among senior officers coupled with present policy is resulting in a rapid Indianisation of the Railway services.

NUMBER OF HIGH SALARIED INDIANS AND EUROPEANS IN ADDITIONAL DEPARTMENTS OF RAILWAYS

249. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Railway Member please state whether any additional departments have been opened in any of the Railways or in the Railway Board as a wartime measure, or otherwise since 1939?

(b) What is the number of additional hands employed during this period classified as Indians and Europeans drawing salaries of Rs. 2,000 and above of Rs. 1,500 and above, of Rs. 1,000 and above, and of Rs. 500 and above?

(c) How many of them have been appointed temporarily and how many permanently?

(d) Are any of these posts reserved for ex-service military men, European and Indian and what is the proportion if any, of Europeans to Indians?

(e) Now that the war is over have Government started any investigation as to what extent retrenchment could be effected in (i) the personnel (ii) all Departments and offices, (iii) salaries and (iv) allowances, and economy observed in the use of fuel and other materials? If not, do Government propose to appoint a committee for the investigation of retrenchment and economy in the affairs of all the Railway Administrations?

The Honourable Sir Edward Benthall: (a) Yes.

(b) and (c). Information is being collected and will be laid on the table of the House in due course.

(d) It has been decided to reserve, for war-service personnel, 70 per cent. of the permanent vacancies filled in a temporary capacity during the period from 1st June, 1942, to 31st December, 1945. The majority of the additional posts referred to in part (b) of the question, however, were or are on a temporary basis and they are not affected by this reservation. As far as permanent gazetted posts are concerned, the regulations permit of 25 per cent. of

the vacancies being filled by the recruitment of those of non-Asiatic domicile. No Europeans have however been recruited to these posts for some years and none is likely to be recruited under present conditions.

(e) No special investigation has been started but the position in respect of the matters mentioned is being constantly reviewed by the railway administrations and the Railway Board. In regard to fuel economy, the Honourable Member is referred to the paragraph on this subject in Chapter VI of the latest Administration Report, Volume I. Government do not consider the appointment of a special Committee called for at present.

COAL SITUATION ON RAILWAYS

250. *Sri M. Ananthasayanam Ayyangar: Will the Honourable the Railway Member be pleased to state if he has considered the coal situation of Railways and made any proposals to Government for the purchase of any collieries with a view to making Railways self-sufficient in coal? If not, do Government propose to consider the advisability of obtaining some more collieries to work departmentally?

The Honourable Sir Edward Benthall: The coal situation on railways is under constant day-to-day scrutiny.

The Railway Department has, at the moment, no proposals for the purchase of additional coal bearing areas. Any such decision might be dependent on the report of the Indian Coalfields Committee which Government have recently set up to report on the problems of Indian coal resources and demands.

INVESTIGATIONS BY MR. SANKARA IYER *re* ASSETS OF RAILWAYS

251. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Railway Member please state if Mr. Sankara Iyer has completed his investigation into the lines of the assets of the several Railways and has prepared a list of the assets and submitted a report thereon? If not, why not?

(b) Have Government taken any other steps to get the assets valued on a scientific basis and to take a list of such assets? If so, what are those steps, and when are they expected to be complete?

The Honourable Sir Edward Benthall: (a) The Committee of which Mr. Sankara Iyer was the Chairman, had to be wound up owing to the fact that Railway Administrations found themselves unable to spare, in war-time conditions, the staff necessary to compile and examine the large mass of statistical data pertaining to the Inquiry.

The Committee submitted a report which contained recommendations as to the manner of marshalling and examining the requisite data.

(b) The question is not fully understood, but I presume that the Honourable Member wishes to know if any steps have been taken to resume the investigations which were entrusted to the Sankara Iyer Committee. The problem has been taken up again by the officers of the Railway Board and a considerable amount of data has already been collected and is now under examination. Whether the results of this investigation will be placed before any other expert body or bodies will be decided in due course. Government hope to formulate their conclusions before the Railway Budget for 1947-48 is presented to the House.

RETRENCHMENT OF LABOUR HANDS ON RAILWAYS AND MANUFACTURE OF SLEEPERS, RAILS, ETC

252. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Railway Member please state whether there is a proposal to retrench labour hands employed in Railways or Railway Workshops? If so, how many in all and separately from each Railway Administration?

(b) Out of these, how many Railway Workshop men and other Railway coolies can be absorbed in other productive Departments of Railway work?

(c) Are Railways manufacturing in India all the sleepers, rails and other accessories necessary? If not, have Government considered the advisability of opening such factories and absorbing the released workmen?

The Honourable Sir Edward Benthall: (a) and (b). Temporary employees who cannot be absorbed in railway employment are being and will have to be discharged but as explained in a broadcast talk by the Chief Commissioner of Railways on 22nd December, 1945, a copy of which I lay on the table of the House, all possible steps are being taken to reduce this number to a minimum by the absorption of surplus staff in other railway employment. As the full effect of the measures which it is expected will absorb a large proportion of the surplus staff cannot be accurately gauged at this stage, it is not possible to frame a reliable estimate of the total number of persons who will either be absorbed or discharged.

(c) All rails, fittings and metal sleepers required by railways are already being manufactured in India, though not by the railways. As regards the latter portion, it is unlikely that labour being discharged from railways can be employed for this purpose and even if it could, it would only produce unemployment elsewhere.

WITH THE COMPLIMENTS OF ALL-INDIA RADIO

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FUTURE OF TEMPORARY RAILWAYMEN

Following is the full text of a broadcast talk by Sir Arthur Griffin, C. C. of Railways on the future of Railway personnel employed temporarily, delivered at the All India Radio, Delhi Station at 8.40 P.M. on Saturday, December 22, 1945.

I am speaking to you tonight on the vexed question of retrenchment of labour on the Indian Railways.

This matter has exercised the minds of many. The temporary Railwaymen themselves are naturally apprehensive lest they lose their jobs; there are many not employed on the Railways who naturally and quite rightly recognise the excellent work done by the Railways during the critical days of the war and who hope that in return the railwaymen will have a square deal, and there are very many more who recognise that trouble between the railwaymen and the Railway administrations would have a very damaging effect on the general economic life of the country and retard the progress towards rehabilitation and development for which we are all striving. It is my purpose to try and put the problem into proper perspective and to allay the fears I have mentioned.

Much publicity has been given to a figure of 250,000 men stated to be surplus and it has been alleged either that the Railway Board intend to retrench this number or this number is likely to be retrenched. I can deny outright that any such decision has ever been taken, nor have the Railway Board ever held the view that discharges on anything approaching such a scale would even ultimately prove necessary. But despite contradiction the fears of railwaymen have been and still are being raised by statements that this large number is liable to be retrenched—that is discharged.

This figure of 250,000 represents the total of employees on the Railways who are temporary and includes, therefore, those holding permanent post in a temporary capacity about which I shall speak in a moment. We must first understand why this large increase has occurred. All are aware of India's all out effort during the last six years which caused an enormous expansion in industrial activity which, with the military demands, imposed an unheard of load on the railway systems. Additional staff had to be employed to deal with these demands. The number of temporary employees was also increased by the fact that since 1942 permanent vacancies have been filled in a temporary capacity, in view of the undertaking by Government that 70 per cent. of such permanent vacancies occurring up to the end of this month will be reserved for ex-servicemen.

The balance of 30 per cent. of such employees serving up to now in a temporary capacity are in process of being confirmed in accordance with a procedure which is equitable to all. Those who are left as temporary, and the total is estimated at 70,000, though liable to be displaced by ex-servicemen will eventually, it is hoped, be absorbed in later vacancies or elsewhere. The important point is that complete demobilisation is a relatively slow process and in addition many such ex-servicemen will have to be trained. Therefore, the process of displacement of such temporary staff will be correspondingly slow, and during the whole time there are considerable possibilities of absorption since, for one thing, such trained temporary staff will be given preferential treatment in filling permanent vacancies occurring after the end of this year.

But what about the purely temporary employees. As I have said, the load on railways increased enormously, and that load still continues. The process of industrial expansion will still go on, and in replacement of a falling military demand there will arise the civil demand which up to now has had to take second place. The picture does not end there, however. All railways are faced with arrears of maintenance as all their resources have had to be used to the maximum extent and maintenance has had to be restricted to essentials only. For the workshops alone, where so many temporary men are employed, I estimate that this deferred work will keep them fully busy for a very long time to come. The possibilities of absorption of temporary staff are further increased by the programmes of development and rehabilitation which all Railways have in front of them, or indeed which in some cases are already being tackled. Railways in the past were busy developing services in areas already served by railways. The future programme envisages plans for breaking into the hinterland and assisting in developing the natural resources in areas that have remained undeveloped through lack of suitable transport. All these factors will involve in some fashion or other the employment of staff and labour of various categories, and, as I see it, the majority of those now in temporary employ can confidently look forward to continued employment provided the future, always unpredictable, does not interfere with our present plans. If they are trained men, the Railways, will, I feel, have need for their services. But in some cases, employment different from that which they are now performing, or in some different locality, may have to be offered, and then it will be up to the individual to accept or not. Whilst, therefore, the Railway Board could obviously not give the categorical assurance asked of them by the representatives of the railwaymen that no man employed in any capacity, temporary or otherwise and irrespective of length of service, would be discharged, they are confident, from present indications and assuming that nothing supervenes to hinder the rapid implementation of the extensive plans for the post-war development of India, that the work of Railways for some long time to come will entail the employment of numbers not far different from those now serving. Up to date, as has already been made public, no more than about 8,000 workers, that is less than one per cent. of the total, are likely to be discharged by the end of this year, and of these, be it noted, the majority are men who were engaged *not* on railway work, but on war work for other Departments, for which the Railways were only acting as agents. I hope I have been able to make clear the position in respect of this very important matter and that apprehensions in the minds of many many be allayed.

Goodnight.

INDIA'S REPRESENTATIVES ON THE UNITED NATIONS ORGANIZATIONS

253. *Shri Mohan Lal Saksena: (a) Will the Foreign Secretary be pleased to state how the representatives of India on the United Nations Organization were nominated?

(b) Who gives directions to the representatives regarding the attitude to be taken by them on various questions?

(c) What has been the total cost of the Indian Delegation up till now, and is it borne by the Indian Exchequer?

(d) What is the annual contribution which India has to pay to the United Nations Organization.

Mr. H. Weightman: (a) The representatives were nominated by the Government of India.

(b) The Government of India.

(c) The expenses of the Indian delegates are borne by the Indian Exchequer. The expenditure incurred on the Indian Delegation up to 1st February is approximately Rs. 35,000.

(d) The annual contributions of the members of the United Nations have not yet been fixed, but will probably be decided in the second part of the First Session of the General Assembly later on this year.

SUPPLEMENTARY GRANT TO RAILWAYS

254. *Shri Mohan Lal Saksena: Will the Honourable Member for War Transport be pleased to state how the supplementary grant of Rupees 82 lacs to Railway under the Head Miscellaneous for 1945-46 has been spent?

The Honourable Sir Edward Benthall: This amount was allocated for expenditure on certain existing relief services and for others which it was intended to inaugurate. Owing to the changed conditions brought about by the early termination of the war these additional relief services were not found necessary.

2. The expenditure for the current year is estimated to be approximately only 28 lakhs.

**REPRESENTATION FROM POSTAL AND TELEGRAPH EMPLOYEES re SCALES
OF PAY AND DEARNESS ALLOWANCE**

255. *Shri Mohan Lal Saksena: Will the Secretary for Posts and Air be pleased to state whether he has received any representation from the postal and telegraph employees regarding the new scales of pay and the increase in the dearness allowance? If so, what action, if any, has been taken on it?

Sir Gurunath Bewoor: I would invite the attention of the Honourable Member to the reply to question No. 287 by Pandit S. K. D. Paliwal.

SHORT-SUPPLY OF RAILWAY TIME TABLES

256. *Shri Mohan Lal Saksena: (a) Is the Honourable the Railway Member aware of the difficulties which the public is experiencing in the matter of short supply of Railway Time-tables?

(b) Will he see that they are published in a larger number?

The Honourable Sir Edward Benthall: (a) Government has received no complaints in respect of inadequate supply of time-tables but is aware that, owing to short supply of paper and the need for economy, there has been a curtailment in the number made available for sale to the public.

(b) I am arranging for instructions to issue to Railways to augment the future issue of time-tables as an increased supply of paper becomes available.

UNSTARRED QUESTION AND ANSWER

NEWS PRINT QUOTA

35. Pandit Mukut Bihari Lal Bhargava: (a) Will the Honourable Member for Industries and Supplies please lay on the table a statement showing:

- (i) the newsprint quota given to papers newly started after 1942;
- (ii) the newsprint quota given to newspapers that suspended publication in 1942, but reappeared subsequently; and
- (iii) the names of newspapers to whom newsprint quota was refused?

(b) Are Government aware that newsprint quota was refused to the *Rajasthan Kesari* of Ahmedabad which suspended publication in 1942? If so, will Government state the reasons for such refusal and will Government now see that it is given the required quota?

The Honourable Mr. A. A. Waugh: (a) Two statements showing:

(i) the names of newspapers which have been permitted to start publication after 1942 under the Newspaper Control Order and the amount of newsprint quotas allotted to them; and

(ii) the names of newspapers which suspended publication in 1942 but have been permitted to re-start publication under the Newspaper Control Order together with the amount of newsprint quotas allotted to them; are placed on the table of the House.

(iii) The collection of the information asked for would involve an outlay of time and labour which Government do not consider justified in present conditions.

(b) The *Rajasthan Kesari* of Ahmedabad was refused permission to revise publication on account of the newsprint supply position. The position has further deteriorated and does not admit of grant of quotas for new journals or for revival of journals. The matter can be reconsidered if and when the newsprint supply position shows substantial improvement.

Statement I

A.—Giving the names of newspapers which have been permitted to start publication under the Newspaper Control Order together with the amount of newsprint quota allotted in each case (upto 30th Jan. 1946).

S. No.	Name of newspapers	Place of publication	Language	Monthly ration of newsprint allotted
1	2	3	4	5
<i>Assam</i>				
				T. C. Q. Lbs.
				(Shifted to paper).
1	Achikna Uiani monthly	Tura (Assam)		0 4 1 4
2	Shillong Times	Shillong	...	0 1 0 16
3	Young Assam	Sylhet	...	0 5 0 0
4	Taroon Assam	Debrugarh	...	
		Total		0 10 1 20
<i>Bengal</i>				
1	Morning News daily	Calcutta	English	5 00 0 0
2	Nationalist daily & Hindustan weekly	Calcutta	English	14 16 1 0
3	Natun Jeeban monthly	Calcutta	Bengali	0 4 0 0
4	Indo-Soviet-Journal fortnightly	Calcutta	English	0 3 0 0
5	Prathinodh daily	Calcutta	Bengali	0 12 2 1
6	People's Voice daily	Calcutta	English	Ceased publication.
7	China Review daily	Calcutta	Chinese	0 14 2 0
8	Saturday Mail weekly	Calcutta	English	0 4 1 0
9	Jagran weekly	Calcutta	Bengali	0 1 1 18
10	Quarterly of Sino Indian Studies	Calcutta	English	0 0 3 6
11	Indian Capital weekly	Calcutta	English	0 3 0 0
12	Dacca-Mail daily and Usha daily	Calcutta	{ English Bengali	1 10 0 0 1 10 0 0
13	Millat weekly	Calcutta	Urdu	0 15 0 0
14	Eastern Express	Calcutta	English	8 0 0 0
15	Chinese Government Gazette fortnightly and Chun Wah Youth Pictorial (Paper Branch)	Calcutta	...	0 4 1 4
16	Bharat daily	Calcutta	...	4 4 0 0
17	Swadhinata daily	Calcutta	...	3 10 0 0
18	Al-Hilal daily	Calcutta	...	3 0 0 0
		Total		44 13 0 1
<i>Bihar</i>				
1	Parijat, monthly	Bankipur	...	0 1 2 0
2	New Life	Bankipur	...	0 4 0 0
		Total		0 5 2 0
<i>Bombay</i>				
1	Muslim Times daily and Muslim Times weekly	Bombay	Gujerati	{ 1 10 0 0 0 7 2 0
2	Mr. Chikadi's weekly newspaper	Belgaum	Kannada	0 1 2 0
3	Commercial India weekly	Bombay	English	0 9 0 0
4	Janata weekly	Bombay	Hindi	0 6 0 0
5	R. C. A. Bulletin of the Photophonic Equipments Ltd. fortnightly	Bombay	English	0 1 1
6	Bulletin of the Piecegoods and Yarn Merchants' Association of India	Bombay	...	0 0 1 23
7	Prabudha Vishaya	Bombay	...	0 0 0 27
8	Indian Women's Magazine monthly	Bombay	English	0 2 0 1
9	Belaku	Dharwar	...	0 1 2 1
10	A Monthly bulletin started by Maharashtra Chamber of Commerce and Industries	Poona	...	0 0 0 18

1	2	3	4	5	
					T. C. Q. Lbs.
<i>Bombay—contd.</i>					
11	Hindu Sanghathen weekly	Bombay .	English .	0 15 0 0	
12	Weekly newspaper started by M/s Anand Mudranalaya	Ahmedabad .	Gujrati .	0 1 2 12	
13	A weekly in Concanium	Bombay .	...	0 1 1 24	
14	Challenge weekly	Bombay .	...	0 3 0 0	
15	Advance weekly	Bombay .	...	0 10 0 0	
16	Al-Hafeez monthly	Dhulia .	...	0 0 1 12	
17	Abhudaya, Allahabad to start Bombay edition	Bombay .	...	0 12 3 14	
18	Fortnightly All India Radio	Bombay .	...	0 1 2 5	
19	Dalit Bharat	Asoda .	...	0 0 0 24	
20	An English daily to be started by Mr. Hooseinhoy A. Lalljee	Bombay .		2 0 0 0	
21	One Nation weekly	Bombay .		0 5 0 0	
22	Hindi edition of the Federation of Piece- goods and Yarn Merchant Association .	Bombay .	...	0 0 0 50	
Total				7 10 0 26	
<i>Baluchistan</i>					
1	Baluchistan Samachar	Quetta .	...	0 0 3 6	
Total				0 0 3 6	
<i>Central Provinces and Berar</i>					
1	Udyama weekly	Nagpur .	Hindi edition	0 4 1 10	
2	Wikas weekly	Nagpur .	Marathi .	0 3 0 0	
3	Jai Hind daily	Jubbulpore .	...	3 0 0 0	
4	'Navyug' Weekly	Nagpur .	...	0 7 0 0	
Total				3 14 1 10	
<i>Delhi</i>					
1	Naya Hindustan daily	Delhi .	Hindi .	1 10 0 15	
2	Investment and Finance weekly	Delhi .	English .	0 2 0 1	
3	Bi-monthly supplement of the Eastern Economist	New Delhi .	English .	0 0 3 12	
4	Indian Overseas	New Delhi .	English .	0 0 3 15	
5	Aditi quarterly	New Delhi .	...	0 0 2 19	
6	Two weeklies by Dr. Syed Abdul Latif, Bangi Dara and Charion	Delhi .	Urdu and English .	1 2 2 0	
7	Registered Accountant monthly	Delhi .	English .	0 0 3 12	
8	Rural People weekly	New Delhi .	English .	0 5 2 8	
9	Bharat weekly	Delhi .	...	0 2 1 17	
10	Anwar-e-Sahar	Delhi .	Urdu .	0 1 1 20	
11	Millat daily	Delhi .	Urdu .	0 8 0 0	
Total				3 15 1 7	
<i>Madras</i>					
1	Powra Shakti daily	Calicut .	Malayalam .	3 6 1 0	
2	Dinasari daily	Madras .	Tamil .	7 10 0 0	
3	Picturepost monthly	Madras .	English .	0 3 0 15	
4	Muslim India, weekly	Madras .	English .	0 5 2 14	
5	Grow More Food bulletin fortnightly .	Madras .	English, Telugu and Tamil .	0 1 0 14	
6	Tiruppur Cotton Market bulletin, monthly	Tiruppur .	...	0 0 0 27	
7	Justicite weekly	Erode .	English .	0 2 1 0	
8	Indian Journalist	Madras .	English .	0 5 0 3	
9	Tudu Oolagam weekly	Madras .	...	0 3 0 24	
10	Janmabhumi	Bezwada	3 0 0 0	
11	Morning Star daily	Madras .	English .	5 5 0 0	

1	2	3	4	5
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Madras—contd.

				T. C. Q. Lbs.
12	An English daily started by Hon'ble Thirumala Rao	Bezwada	English	5 5 0 0
13	Registered Accountant's monthly	Madras	English	0 0 0 15
14	Bala monthly	Madras	Malaya	0 4 0 2
15	South Indian Journal of Economics quarterly	Guntur	English	0 0 3 6
16	A Telugu weekly journal by N. V. Seshiah	Madras	...	0 5 1 12
17	Anglo Telugu weekly Rayalseema	Madras	...	0 1 2 10
18	A Tamil daily to be started by K. T. M. Ebrahim	Madras	...	1 12 0 0
19	Jai Bheim weekly in English from Madras and in Telugu from Ramchandarpura	Madras and Ramchandarpura	...	0 1 0 20
20	Church Messenger	Cuddalore	...	0 0 0 11
21	Pasban daily	Bangalore	...	0 8 0 0
22	Postman Herald,	Madras	...	0 0 0 20
23	Hindustan weekly	Madras	Urdu	0 6 1 20
Total				28 9 2 17

N. W. F. P.

1	Dusra Sarhad	Bannu	...	0 1 2 15
2	One Nation daily	Dera Ismail Khan	English	2 0 0 0
3	Chingari weekly	Peshawar	...	0 0 1 4
4	Kurram Magazine of S. D. College, Bannu	Bannu	...	0 0 0 18
5	National Industry and Finance monthly	Peshawar	...	0 3 1 20
Total				2 5 2 1

Orissa

1	Nation	Cuttack	English	0 15 0 0
Total				0 15 0 0

Punjab

1	Cosmopolitan weekly	Simla	English	0 3 1 14
2	Monthly News	Simla	English	0 0 1 4
3	Sant Sepahi	Amritsar	...	0 3 2 8
4	Quarterly Commercial Bulletin	Qadian	...	0 0 1 12
5	An Urdu daily to be started by Ahrar Party	Lahore	...	0 5 0 0
Total				0 12 2 10

Sind

1	Sind Times weekly	Karachi	...	0 12 2 8
Total				0 12 2 8

United Provinces

1	Savdhan weekly	Cawnpore	Hindi	0 7 2 24
2	Bharat Varash, daily	Cawnpore	English	0 10 0 0
3	Singh weekly	Cawnpore	Punjabi & English	0 0 2 15
4	A monthly Journal by Hindustan Cultural Society	Allahabad	...	0 2 1 12
5	Laheer monthly	Allahabad	...	0 1 0 0

1	2	3	4	5	T. C. Q. Lba.
<i>United Provinces—contd.</i>					
6	Sanmarg daily	Benares	Hindi . . .	2 0 0 0	
7	Tarjuman fortnightly	Lucknow	Urdu . . .	0 0 1 14	
8	Tiagi monthly	Meerut . . .	...	0 0 0 21	
9	Garhwal Samachar fortnightly	Garhwal . . .	Hindi . . .	0 0 3 6	
10	Yugvani	Ettah . . .	...	0 0 1 20	
11	Tanvir Daily	Lucknow . . .	...	2 0 0 0	
12	Quami Awaz daily	Lucknow . . .	...	4 0 0 0	
13	Al-Amin	Meerut . . .	...	0 8 0 0	
Total . . .				9 11 2 0	
Grand Total . . .				102 16 1 22	

B.—Giving the names of newspapers which have been permitted to be issued at more frequent intervals or which have been allowed to start new editions from other places under the Newspaper Control order.

Serial No.	Name of newspaper	Place of publication	Language	Ration of Newsprint allotted per month	
1	2	3	4	5	
<i>Assam</i>					T. C. Qr. Lba.
1	Assamiya Gauhati	Assam . . .	...	1 10 0 0	
<i>Bengal</i>					
1	Indian Economist	Calcutta . . .	...	0 3 0 0	
<i>Bihar</i>					
1	Patna Times daily	Patna . . .	English . . .	0 18 0 0	
<i>Bombay</i>					No increase in ration.
1	Kesari	Poona . . .	...	
<i>Central Provinces and Berar</i>					
1	Tarun Bharat daily	Nagpur . . .	Marathi . . .	2 0 0 0	
2	Maharashtra daily	Nagpur . . .	...	2 4 2 0	
<i>Delhi</i>					
1	Hurriyat daily	Delhi . . .	Urdu . . .	0 17 2 15	
2	Manshoor daily	Delhi . . .	Urdu . . .	3 4 0 0	
<i>Madras</i>					
1	Prajashakti	Bezawada . . .	...	2 11 1 0	
2	Chandrika	Telecherry . . .	...	1 18 0 0	
3	Deshabhimani	Calicut . . .	...	3 0 0 0	
<i>Punjab</i>					
1	Ajeet daily	Lahore . . .	Urdu . . .	4 10 0 0	
2	Nawai Waqt	Lahore . . .	Urdu . . .	1 16 0 0	
<i>Sind</i>					
1	Sindhi, Sukkur	Sukkur . . .	...	0 5 0 0	
<i>United Provinces</i>					
1	Jiddat daily	Moradabad . . .	Urdu . . .	0 11 1 0	
2	Amrita Bazar Patrika*	Allahabad edition . . .	English . . .	5 0 0 0	
3	Telegraph* (Calcutta)	Cawnpore edition . . .	English . . .	11 2 14	
Grand total . . .				31 0 1 1	

*Permitted to start new editions from other places.

STATEMENT II

Newspapers which suspended publication in 1942 but have been permitted to restart publication, under the Newspaper control Order

Serial No.	Name of newspaper	Monthly ration of newsprint allotted			
		T.	C.	Qr.	lbs.
	<i>Ajmer-Merwara</i>				
1	Nawajyoti	0	1	1	0.
	<i>Assam</i>				
2	Surma	0	0	2	16.
3	Tarun Assam	0	5	0	0.
	<i>Bengal</i>				
4	Bhandar	0	3	3	0.
5	Bharat	4	4	0	0.
6	Forward	0	10	2	0.
7	Gul Bagicha	0	0	3	6.
	<i>Bihar</i>				
8	Rashttravani	2	12	0	0.
	<i>Bombay</i>				
9	Al-Islah	0	8	2	0.
10	Awaz	0	12	0	0.
11	Bharat	0	0	3	0.
12	Gaokari	0	2	1	9.
13	Lokshakti	3	13	2	0.
14	Samarath	0	1	0	14.
15	Yoog Chitra	0	3	1	10.
16	Agrani	1	0	0	0.
17	Arya Bhanu	0	0	2	19.
18	Bharat Samachar (daily)	7	3	1	0.
19	Mathrubhumi (daily)	6	17	3	0.
20	Mathrubhumi (weekly)	1	5	1	0.
21	Morning Standard	9	13	2	0.
	<i>C. P. & Berar</i>				
22.	Nav Jeevan	0	5	0	0.
	<i>Madras</i>				
23	Andhra Jyoti	0	2	0	16.
24	Navajeevan	0	0	0	21.
25	Sudha Dharma (Quarterly)	0	0	1	2.
26	Chandrodayam	0	14	2	14.
27	Village Oozian	0	2	0	27.
	<i>N. W. F. P.</i>				
28	Sher-i-Sarhad	0	0	1	10.
	<i>Punjab</i>				
29	Ramgarhia Educational Magazine	0	2	2	15.
30	Talim-o-Tarbiat	0	12	3	10.
31	Vakil-i-Jadid	0	0	2	16.
	<i>Sind</i>				
32	Congress	0	1	0	16.
33	Dukhayal	0	0	1	17.
34	Hindu	4	10	0	0.
35	Hindvasi	0	15	0	0.
36	Swarajya	0	4	3	15.
	<i>U. P.</i>				
37	Brahman Samachar	0	0	1	1.
38	Chamcham	0	0	0	21.
39	Daily Sandesh	0	13	0	14.
40	Janmat	0	0	2	0.
41	Lal Bujhakar	0	0	0	110.
42	National Herald	10	3	2	0.
43	Shakti (for election period only) Almora	0	10	0	0.
44	Ujala, Agra	1	1	0	15.
45	Sainik daily & weekly	2	0	0	0.
46	Bakar Sakha	0	0	0	110.
47	Savdhan weekly	0	0	0	110.
48	Daily Vir Bharat, Cawnpore	0	9	1	14.
49	Sandhya Jiwan	0	0	3	0.
50	Wazedar weekly	0	0	2	15.
51	Jain Sandesh, Agra	0	2	2	0.
52	Taza Tar, Agra	0	1	1	4.
		61	16	2	3

Mr. President: Before I take up the consideration of the adjournment motions that I have received, I believe there is a small point about answers to questions which I would like to make clear to the House. There was some misunderstanding also on my part about it and I believe as a result thereof there was some injustice done to the Honourable the Home Member.

While answering certain questions yesterday, he stated that these were questions for another Honourable Member to reply and not for him, and I said that the Honourable Member who put in the questions may state the questions again or even without stating them again the answers would be given. The misunderstanding was due to the fact that ordinarily when questions are addressed to a wrong Member of the Government, the Assembly Office is not authorised to put the correct name of the Government member in the question. It is for the Department to whose representative the question has been wrongly addressed to inform the Assembly Office as to which Government member the question should have been addressed. If, by the time such communication is sent to the Assembly office the question list is not printed, the necessary corrections are made before the list of questions goes to the Honourable Members. But if the communication comes later on after the questions are printed then the Government Member to whom that question is originally put and in whose name the question first appears in the printed list, merely states that the question has to be replied by so and so. Automatically that question goes in the next list immediately when the turn of that particular Government Member comes before the House.

That is, I am told the practice, and therefore if an answer comes in that the question is to be replied to by such and such a Department, it does not mean a refusal on the part of the particular Member of Government to reply. It means it was wrongly addressed to him by the questioner and that it would come in another list for the next day on which the Government Member concerned has to reply. That was the misunderstanding I think with three questions—Nos. 188, 189 or some other number. The Honourable the Home Member said they were questions for the External Affairs Member or some other Member to reply to.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): May we take it that the question that is so transferred would be put down on the earliest date? After the one for which it was originally notified?

Mr. President: Certainly, it would be put down for the earliest date for the Government Member concerned for which the question list has not already been printed, provided that—the questioner has not exhausted his quota of five starred questions for that day. If he has already exhausted his quota he will have to give fresh notice of the question.

Shri Sri Prakasa: I will state a case. I sent in questions and they were transferred from the Home Department to the Foreign Department. I sent them for the 12th. One has been put down for today the 13th and another for the 19th. So I wanted to know whether this has been done to suit the convenience of the Departments concerned or it is just an accident.

Mr. President: If it is a question of convenience, I should say the convenience of all concerned.

Shri M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Arising out of this, I gave a short notice question and the Honourable Member in charge of it was unable to accept it. Is it necessary for me to give longer notice so that it may appear on the paper? If it causes inconvenience with respect to other questions, could it be put on the ordinary sheet for the next day?

Mr. President: It will be for the Honourable Member to say so. But that matter also may be discussed later outside the House if there is any inconvenience. I merely mention this matter for the fact that I thought that Honourable Members carried the impression that the Honourable the Home Member

treated them with scant courtesy when he said that these questions would be answered by another Member. This was the misunderstanding and that is how the situation has arisen.

Mr. M. Asaf Ali (Delhi: General): I was one of those who happened to participate in the little sparring that took place on the occasion: I was under no misconception about the procedure adopted. My main point was that the amount of red-tapism which we generally resort to in this House or in the Secretariat on the other side can be curtailed by a direct approach and a direct method. It should be possible for the Member to whose Department question is addressed to pass it on to the right department and just mention the fact to the Legislative Assembly Department. In which case the question would automatically go down on the right order paper.

Mr. President: That would be raising a different question altogether. All that I wanted to make clear today was that even unintentionally there should not be that kind of feeling that the Honourable the Home Member was guilty of scant courtesy, and as I was mistaken on the situation myself, I thought I should make it clear to the House.

Now we take up the adjournment motions.

MOTIONS FOR ADJOURNMENT

CLOTH FAMINE IN NORTH-WEST FRONTIER PROVINCE

Mr. President: I have received notice for the adjournment of the business of the House from Khan Abdul Ghani Khan, to discuss a definite matter of urgent public importance, namely,

"Cloth famine in North West Frontier Province."

I do not see how this is a definite matter. It appears to be very vague.

Khan Abdul Ghani Khan (North-West Frontier Province: General): I am willing to explain to you that there is a very definite and serious cloth famine in the North West Frontier Province. There has been no noise about it in the newspapers for the simple reason that we have not got a newspaper and we are not a noisy people. We have tried to make this miserable allotment stretch and stretch. Special police had to be called in and there is really a very serious scarcity. You know, Sir, that the Industries Member in reply to my short notice question a few days ago said that he had given 18 yards per head to the N.-W. F. P. It sounds very good, it is one of the highest quotas in India but there is just a little catch in it. If the same principle of cloth rationing had been applied to food rationing—I want to say this to make my point clear—no quota has been fixed for minimum requirements either for the province or the people, but merely the consumption before the war was taken into consideration and that was reduced by 40, 50 or 60 per cent. The Honourable Member has refused to say by how much he has reduced it but looking at the scarcity in my area I am sure it cannot be under 50 per cent. Now, Sir, in regard to food rationing, if you had taken the consumption per man.

Mr. President: I do not want to intervene in the Honourable Member's speech; but I would like to tell him that he should address himself on the question of the admissibility of the motion and not go into the merits.

Khan Abdul Ghani Khan: Sir, there is a definite scarcity and if you admit that there is a scarcity in my province, then it is urgent. The Honourable Member's answer was that there was no scarcity, we were getting 18 yards per head. I am trying to prove that the system of rationing that was applied to the N.-W. F. P. was not correct and therefore it has caused a scarcity. The point is that if you had taken the ration of a poor man before the war and the ration of a rich man who gave ten parties per week and cut the rations of both by ten per cent., you would be starving one man and overfeeding the other. Even before the war we in the N.-W. F. P. were buying the barest minimum,

[Khan Abdul Ghani Khan]

because we could not buy more. That minimum was cut by another 50 per cent. and the result was that we had no cloth to put on, although we are the people who need the most cloth, because we have the coldest climate and the wind is bitterly cold in the winter. We require more cloth than the ordinary person in the United Provinces. You take my own chaddar: it is enough to clothe a villager in C.P.

Mr. President: What has the Honourable Member in charge to say about it?

The Honourable Mr. Waugh (Member for Industries and Supplies): Sir, when the Honourable Member asked me a question a short time ago I was not aware what cut was made as compared with the pre-war consumption in the N.-W. F. P. My Honourable colleague informs me that the cut was negligible, and the deficiencies are due to the natural increase in population.

On the subject of the motion I would like to submit that this cannot be treated as urgent. The N.-W. F. Provincial Government, along with other Provincial Governments, last September unanimously agreed to allocation of cloth for all different provinces, allocating the N.-W. F. P. at the rate of 18 yards per head of the population. They then reported on the 4th October that the situation, though difficult, was improving. They are supposed to send us a quarterly report, but we have heard nothing more at all from that Government up to date, and I submit, Sir, that if the amount of cloth actually being received against the allocation were falling considerably short of the quota, we would most certainly have heard bitter complaints from the Provincial Government. In the absence of more details to show that a very urgent situation has arisen, I cannot myself think that it is urgent, but if my Honourable friend would like to give me any details in his possession, I would certainly go into the matter and take it up with the Textile Commissioner and the Provincial Government.

Mr. President: I do not think I can give my consent to this adjournment motion.

DISBANDMENT OF W.A.C. (I).

Mr. President: The next adjournment motion is by Mr. Frank Anthony to censure the Government for its intention to disband the W.A.C.(I).

Mr. Frank R. Anthony (Nominated Non-Official): Sir, may I explain. I only came to know of this yesterday when the War Secretary made a reply in the House. The matter is urgent as it involves the disbandment of several thousands of people and I understand (I am open to correction) that the Commander-in-Chief made a statement to the effect that a nucleus of this corps was to be retained on a permanent basis. They have resiled from that undertaking.

An Honourable Member: Will the Honourable Member speak up?

Mr. Frank R. Anthony: I understood that the Commander-in-Chief had given an undertaking and an assurance that a nucleus of this corps would be retained on a permanent basis. That is my information. I am open to correction. I want to know why the military authorities have resiled from this undertaking. Because if you are going to disband this corps you are going to create disillusion and bitterness among people who have rendered faithful and loyal war service. I want to know whether any undertaking was given or any statement made?

Mr. P. Mason (Government of India: Nominated Official): Sir, I may be wildly optimistic but I did hope that on this question there was just a faint chance that I might be in agreement, or rather that the House might be in agreement with me, for once. As to the question of the undertaking, I think if my Honourable friend would look at the statement made by the Commander-in-Chief he will find that what the Commander-in-Chief said was that he personally would be inclined to consider the matter favourably. I do not

think he gave a definite assurance. I would welcome, I have no objection whatever to discussing this matter, if the House wishes to, but I do not think it is really technically an urgent matter of public importance, because the announcement was made in the press on the 30th of last month and I have mentioned it not only yesterday but on two previous occasions, once in connection with the adjournment motion by Mr. Ayyangar: but I have no objection to discussing it again in the House.

Mr. Frank R. Anthony: Sir, may I explain. I was not to blame. I was on tour. The first intimation that I received was yesterday. I feel that the position was, that provided the corps is made into an Indian-controlled organisation, they will have no objection to its retention on a permanent basis.

Mr. President: The conclusion is that the Honourable Member does not wish to press his motion?

Mr. Frank R. Anthony: Yes, Sir, I do.

Sir Cowasjee Jehangir (Nominated Non-Official): May I rise to a point of order, Sir. On the question of urgency one cannot plead ignorance. The matter was published in the press. I am talking on principle. The matter was published in the papers sometime ago. If an Honourable Member is unfortunate enough not to have read it or if none of his friends had communicated that information to him it cannot be urgent so far as this House is concerned, it may be urgent with regard to that individual member. It was his misfortune not to have read the newspapers and it was his misfortune not to have been informed by his friends but that does not entitle him to come to this House with this motion.

Mr. President: I do not think it is a matter of urgency, and I therefore do not give my consent to it.

RACIAL DISCRIMINATION IN THE W.A.C. (I)

Mr. President: Then there is an adjournment motion in the name of Mr. Ayyangar and Mr. Venkatasubba Reddiar relating to:

"The racial discrimination shown by the Government of India in the recruitment, treatment, promotion, etc., of Indians in the W.A.C.(I), resulting in the resignation of many Indian members of the W.A.C.(I)."

I understood from the Honourable Member for Government that this corps is now going to be disbanded, keeping some kind of a nucleus. So the motion seems to me to be more or less of a sort of *post mortem*. What is the urgency of the motion now?

Sri M. Ananthasayanam Ayyangar: Sir, it was only yesterday that he said it. After all it is very difficult to induce Indian ladies to join any institutions started for purposes of war. One after another they were obliged to resign, because junior members were promoted over their heads. Yesterday he said that Miss Ranga Rao resigned on the ground of alleged discrimination.

Mr. President: Order, order. I would just invite the Honourable Member's attention to the difficulty I have been feeling and that is that the Honourable Member is trying to bring a motion over something which happened in the long past. Where is the urgency about it?

Sri M. Ananthasayanam Ayyangar: The urgency is there as long as this institution continues: there is always the possibility of racial discrimination being made and the disbanding of it is for the purpose of avoiding a discussion of this racial discrimination. Why should it be disbanded in spite of the assurance that was given, as my friend Mr. Frank Anthony pointed out just now? This is only a device in view of what has happened and what is likely to happen to our nationals so long as the institution is there. No greater insult could be offered to this country than this. We are all smarting under it.

Mr. P. Mason: No. I can only say that I have no objection to the discussion of this question at all. But this motion seems to me to have infinitely less justification for being regarded as urgent than the previous one, because what the Honourable Member would call racial discrimination, and what I call selective promotion, is continuing steadily and will continue until the time when the corps will be disbanded which we hope will be as soon as possible.

Sri M. Ananthasayanam Ayyangar: Are you prepared to have an impartial committee to go into this matter?

Mr. President: I am not inclined to hold this as a matter of urgency.

INDISCRIMINATE ARREST OF MUSLIM LEAGUE WORKERS AND OTHER DEMONSTRATORS AND WANTON USE OF HANDCUFFS AND CHAINS BY DELHI POLICE

Mr. President: Next is the motion of Mr. Nauman to discuss a definite matter of urgent public importance, namely:

"The indiscriminate arrest of large number of Muslim League workers and others in Delhi and wanton use of handcuffs and chains by Delhi Police on 12th February, 1946, in connection with peaceful hartal and protest demonstration staged by the Delhi public against the discriminatory treatment meted out to Capt. Abdur Rashid and the demand for release of I. N. A. personnel."

I am not sure, but I think, I read in the morning papers that some of these people who were arrested were remanded. Was the remand through a magistrate's court? Am I right about this information? I want to know the facts. The point I want to know is whether any legal proceedings have been launched in respect of these men.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): To the best of my knowledge no legal proceedings have been taken. They have been arrested under the D. I. R. That is my information. They are in the Delhi police station.

Mr. President: I carried the impression of the word 'remand' in some paper. Remand perhaps implies that some kind of charge is framed after people are produced before a magistrate.

Mr. M. Asaf Ali: That information can be supplied by the Honourable Home Member.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Ordinarily a man is taken before a magistrate and then the charge is framed against him.

The Honourable Sir John Thorne (Home Member): Sir, the facts which I have ascertained this morning are that 87 people have been arrested and not over a hundred as stated in a newspaper—and I was told at 10 o'clock this morning that they are being charged today in court.

Mr. President: Have the proceedings already been launched or are they going to be launched?

The Honourable Sir John Thorne: Yes; I have been told at 10 o'clock that the charges were to be filed when the court opened at 10-30.

Mr. M. Asaf Ali: In that case, the position as I understand it will be this: until the case is actually *sub judice*, the adjournment motion will be admissible. If in the course of the day they charge these people with any particular offence, the case will become *sub judice*, and it will mean that at four o'clock we shall not be able to discuss it. That is the position.

Mr. President: That seems to me to be the position.

Sir Muhammad Yamin Khan: The Honourable Member says he is not definite that the cases have been launched: he says they are going to be, and we do not know whether the magistrate actually turned up at 10 o'clock or not and whether the case has been filed or not—he is not sure. So this cannot be called *sub judice* because the magistrate is not seized of the case.

Mr. President: The matter is clear to me. I may assure the Honourable Deputy President that at present so far as our information goes the matter is not *sub-judice*. I have previous precedents of this House in which, as the Honourable Mr. Asaf Ali pointed out, if by four o'clock the legal proceedings are started then the adjournment motion will have to be dropped. But so long as the facts stand as at present, I think it is an important matter and I will take up this motion for discussion at 4 o'clock.

Mr. M. Asaf Ali: May I just add one word? Although the cases themselves may become *sub-judice*, the fact of these people being handcuffed will not be *sub-judice*, and that can always be dealt with.

Mr. President: That we shall consider. I had that point also in my mind, but I preferred to wait to give expression to it till 4 o'clock.

Mr. Abdur Rahman Siddiqi (Calcutta and Suburbs: Muhammadan Urban): May I respectfully submit that the adjournment motion has nothing to do with court proceedings? It is about handcuffs and about the treatment meted out to these people. The police were dealing with normal conditions, and we are naturally anxious to have the matter ventilated here. Whatever happens in the court will be outside the scope of the adjournment motion.

Mr. President: I am afraid the Honourable Member did not perhaps follow what I said.

Mr. Abdur Rahman Siddiqi: That is my misfortune.

Mr. President: The adjournment motion clearly states "indiscriminate arrest of large number of Muslim League workers and others in Delhi". That is how it begins, so, whether the arrests were indiscriminate or discriminate is a matter which may be tested in a court of law, with which this House will not be concerned, if legal proceedings are taken. The other part—it is all one and the same transaction—speaks of "wanton use of handcuffs and chains by Delhi Police"; as I said, that matter was in my mind; but at the present stage the whole motion is being admitted and that other question does not arise at present. When the Honourable Member, Mr. Asaf Ali, put that question to me, I said I had that in mind and will consider that aspect of the case at four o'clock. The question of handcuffs and chains will certainly not be *sub-judice*, as that is a different matter. The motion will be taken at 4 P.M.

Shri Sri Prakasa: Sir, will you please instruct the Honourable Home Member not to make it *sub-judice* before 4 P.M., today.

AMENDMENT OF THE INDIAN AIRCRAFT RULES

Sir Gurnath Bewoor (Secretary, Posts and Air Department): Sir, I lay on the table a copy of the Posts and Air Department's Notification No. 11-M(A)1/46, dated the 23rd January, 1946, making certain further amendments to the Indian Aircraft Rules, 1937, under sub-section (3) of section 5 of the Indian Aircraft Act, 1934.

DEPARTMENT OF POSTS AND AIR

NOTIFICATION

New Delhi, the 23rd January, 1946

No. 11-M (A) 1/46.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Aircraft Rules, 1937, namely:—

1. In the said Rules,—

(a) for the words "Governor General in Council" wherever they occur, the words "Central Government" shall be substituted, and such consequential amendments as the rules of grammar may require shall be made;

(b) for the words "Director of Civil Aviation in India" wherever they occur, the words "Director General of Civil Aviation in India" shall be substituted;

(c) in sub-rule (1) of rule 3,—

(i) after the definition of "Airship" the following definition shall be inserted, namely:—
"Air transport service" means a service of aircraft for the purpose of effecting public transport of passengers, goods or mails;

- (ii) after the definition of "Course" the following definition shall be inserted, namely :—
 "Director General" means the Director General of Civil Aviation in India ;
- (iii) after the definition of "Public transport aircraft" the following definition shall be inserted, namely :—
 "Scheduled air transport service" means an air transport service between places defined in a time-table or otherwise advertised, whether operating at regular prefixed times or not ;
- (d) in rule 17, after the words "Any licence" the brackets, words and figures "(other than a licence issued under Part XIII)" shall be inserted ;
- (e) in rule 38,—
- (i) in the first proviso to clause (2) for the words "regular scheduled air service" the words "scheduled air transport service" shall be substituted ;
- (ii) the second proviso to clause (2) shall be omitted ;
- (f) Part XIII and rules 134 to 139 contained therein shall be renumbered as Part XIV and rules 156 to 161 respectively, and before Part XIV as so renumbered, the following Part and rules shall be inserted, namely :—

"PART XIII—LICENSING OF AIR TRANSPORT SERVICES."

134. *Air Transport services to be licensed.*—No air transport service shall, after the 1st October 1946, be established or shall operate within British India except under the authority of, and in accordance with, a licence issued under this Part :

Provided that the Central Government may permit the operation of air transport services to or across British India from and to places outside British India by persons not domiciled in British India or by companies registered elsewhere than in British India, with aircraft registered elsewhere than in India on such terms and conditions as it may think fit :

Provided further that the Central Government may, subject to such conditions as it may think fit to impose, permit the operation of air transport services which are not scheduled air transport services for the carriage of passengers, mails or goods without any licence.

135. *Air Transport Licensing Board.*—(1) The authority charged with the duty of examining applications for licences to operate air transport services and of issuing, amending, suspending or revoking such licences shall be the Air Transport Licensing Board, hereinafter referred to as the "Board".

(2) The Board shall consist of a Chairman appointed by the Central Government who shall be a person who is or has been a judge of a High Court in British India, the Director General who shall be the Deputy Chairman, and three Members appointed by the Central Government, one with special knowledge of aviation or air transport, another with special experience of financial matters and the third appointed in consultation with the Crown Representative.

(3) The term of office of the Chairman and of any of the Members shall be such period not exceeding 5 years as the Central Government may in each case specify in the order appointing him as such Chairman or Member :

Provided that the Chairman and any Member of the Board shall on the expiry of the original term of appointment be eligible to be reappointed for a further period not exceeding five years :

Provided further that the Central Government may, if it thinks fit, terminate at any time the appointment or reappointment of the Chairman or any Member of the Board.

(4) During the temporary absence of the Chairman the duties of his office shall be performed by the Deputy Chairman ; and during the temporary absence of a Member of the Board the Central Government may, if it thinks fit, appoint a person to be a temporary Member for the period of such absence.

(5) No act or proceeding of the Board shall be invalid by reason only of the existence of a vacancy in the Board.

136. *Powers of the Board.*—(1) The Board shall have power, subject to the provisions of these Rules, to decide whether a service of aircraft constitutes a scheduled air transport service within the meaning of these Rules, to grant a licence for the operation of a scheduled air transport service wholly within India or from India to a place or places outside India on such conditions as it may think fit, to refuse to grant a licence applied for, and to amend, suspend or revoke a licence.

(2) The Board shall have power to require the declaration of the truth of any statements submitted to it, to inspect or cause to be inspected any premises, aircraft or other things which appear to it to be necessary, to require the submission of additional information by an applicant for a licence, to require the applicant to attend before the Board for the purpose of giving evidence in support of his application, to receive and consider the representations of any third party whom it considers to have an interest in regard to any application for a licence and to publish such particulars regarding an application for a licence as it considers necessary for the purpose of these Rules :

Provided that the Board shall not disclose or require the applicant to disclose to any third party information concerning the financial resources of the applicant, or any financial

137. *Applications.*—(1) Applications for a licence to operate an air transport service shall be made to the Director General not less than three months before the date on which it is desired to commence the service, unless the Board has appointed a last date for the receipt of applications in which case the applications shall be made on or before that date. Applications for a temporary licence, i.e., a licence to operate an air transport service for a period not exceeding 60 days, shall be made to the Director General not less than 15 days before the date on which it is desired to commence the service, provided that the Board may relax this requirement in any case of emergency.

(2) The application shall be made on a form which will be supplied by the Director General on request, shall be signed by the person applying for the licence and if made by any corporate body shall be signed by a person duly authorised in that behalf by such body and shall be accompanied by such information as may be required for the purposes of these Rules.

138. *Publication of applications.*—The Board shall except in the case of applications for a temporary licence, cause to be published in the *Gazette of India* and in not less than two daily newspapers, particulars regarding each application for a licence as set out in Section A of Schedule VII to these Rules and a statement of the date, not being less than 30 days after the date of publication, on which the application will be taken into consideration.

139. *Representations.*—Any person may, not less than 15 days before the date specified for the consideration of the application by the Board, make a representation to the Board in writing, accompanied by the appropriate fee, through the Director General, setting out the specific grounds on which the representation is made. A copy of every such representation shall be sent by the person making it to the applicant for the licence at the same time as it is sent to the Board and a certificate to that effect shall be forwarded to the Director General. The Board may at its discretion give an opportunity to the person making the representation to state his views in the presence of the applicant for the licence. The Board may require any person making a representation under this rule to produce evidence of the truth of any statement he may make.

140. *Conditions to be fulfilled.*—In exercising its discretion to grant or refuse a licence or to attach conditions to a licence, the Board shall have regard to the co-ordination and development of air transport generally in the interests of the public as well as those of persons providing air transport facilities and shall satisfy itself in regard to the following matters namely :—

(1) *General.*—The need for air transport in the area concerned, potential traffic on the route, existing air services serving the area, other proposals for air transport services in the area and the capacity of the applicant as an air transport operator.

(2) *Economic strength.*—That the applicant commands financial resources and organisation sufficient to establish his presumptive ability to maintain the operation of the air transport service proposed for a period of at least three years and for this purpose he shall present to the Board details of his capital organisation, particulars of his managerial and administrative organisation, a copy of the Memorandum and Articles of Association of the Company (if the applicant is an incorporated body) and estimates in such detail as may be required of the cost of operation of the service and of the revenue expected.

(3) *Route.*—That the air route over which the service is proposed to be operated complies with the minimum conditions set out in Section A of Schedule VIII to these Rules; and in general that the route is or will be adequately organised with terminal and intermediate aerodromes, emergency landing grounds, passenger facilities and radio, meteorological and other ground aids to navigation appropriate to the nature of the air transport service it is proposed to operate.

(4) *Aircraft.*—That the aircraft to be used comply with the minimum conditions prescribed in Section B of Schedule VIII to these Rules and in general that aircraft will be provided for the air service of a number and type adequate for safe and efficient operation of the air service in accordance with the approved time table, having regard to the nature of the terrain to be flown over and the nature of the organisation on the route, and for this purpose the applicant shall produce all necessary technical data concerning the aircraft and the engines to be used. He shall also show that such aircraft are or will be adequately equipped with radio communication, radio lighting and other aids to navigation and passenger equipment and conveniences in accordance with the nature of the air transport service to be operated.

(5) *Technical Personnel.*—That technical personnel (including pilots, radio operators, engineers and mechanics) will be employed in adequate numbers, with appropriate licences issued under these Rules and with other qualifications and experience in particular satisfying the requirements of Section C of Schedule VIII to these Rules and in general adequate for safe operation as related to the service proposed, the route to be traversed, the aircraft to be used and the operation and maintenance procedure to be adopted.

(6) *Operations Manual.*—That an operations manual has been prepared for the use of the air crews and other technical personnel, which adequately details the organisation of the route to be traversed and the operational and communications system procedure and technique to be adopted, and that proper provision is made for maintaining the operations manual up to date and for introducing progressive improvements.

(7) *Maintenance and Overhaul.*—That adequate hangars, workshops, and aerodrome equipment, tools and aircraft and aero-engine spares have been or will be provided for the proper

maintenance and overhaul of the aircraft and their engines, that a maintenance manual has been prepared for the use of personnel which adequately details the maintenance and overhaul system to be adopted and that proper provision is made for maintaining the maintenance manual up to date and introducing progressive improvements.

(8) *Schedules, Fares, Freight rates, etc.*—That the time-table of the service proposed satisfies, to the greatest practical extent, the convenience of transport of passengers and mails, that, having regard to prevailing winds and scheduled refuelling stops, it does not involve the operation of the aircraft at a cruising speed in excess of that obtainable at the continuous cruising power output of the engines specified by the makers for like conditions of operation or prescribed by the Board, and that the passenger fares and freight rates proposed, including any concessional fares and rates, are reasonable in relation to the cost of the service and prevailing fares and rates on other air and surface transport services. For these purposes the applicant shall produce a time-table of the service proposed, and a schedule of such fares and rates.

141. *Grant of licence subject to conditions.*—The Board may grant a licence subject to such conditions as it may think fit, with the object of securing the safe and efficient operation of air transport. The licence shall provide, among others, for the following matters, namely:—

- (1) The places at which aircraft may or shall land for traffic or other purposes.
- (2) The conditions (diurnal, seasonal, or meteorological) in which the service may be operated.
- (3) The aircraft to be used.

(4) The observance of a schedule of air services approved from time to time by the Board.

(5) The maximum and minimum fares and freight rates to be charged to passengers and consignors of goods and mails.

142. *Obligation to comply with the Indian Aircraft Act, 1934 and Rules.*—The grant of a licence shall not be construed as in any way absolving any person from the obligation of complying with the Indian Aircraft Act, 1934, the Indian Carriage by Air Act, 1934, or with the rules made thereunder or with any other statutory provision governing aviation.

143. *Period of validity of licences.*—A licence shall, subject to the provisions of rule 148, be valid for such period not exceeding sixty days in the case of a temporary licence, and not exceeding ten years in any other case, as may be fixed by the Board and noted in the licence.

144. *Refusal of licence.*—In any case in which the Board refuses to grant a licence, or grants a licence subject to conditions to which the applicant objects, the Board shall record in writing the reasons for its decision, and the applicant shall be entitled to a copy thereof.

145. *Amendment of terms of licence.*—(1) The Board, so far as appears to it to be necessary for securing the more effective development of air transport or otherwise in the public interest, may at any time amend the terms of a licence after giving the holder a reasonable opportunity of representing his views.

(2) The Board may on the application of the holder of a licence made in the manner prescribed in rule 137, make such amendment in the licence as appears to the Board to be unobjectionable.

146. *Provisional licences.*—The Board may grant a provisional licence for such period and on such conditions as it thinks fit—

(i) where an application for a licence other than a temporary licence has been made under rule 137 and the Board considers it desirable that the applicant should have a provisional licence pending the final disposal of the application, or

(ii) where the Board considers that although all the requirements of this part cannot be immediately satisfied an air transport service may be permitted to operate for a limited period without detriment to public safety.

147. *Existing services.*—In the case of a scheduled air transport service which is in operation on the 1st July 1946 the application under rule 137 for a licence shall be made before the 1st August 1946, and on such application being made, the Board shall grant to the applicant a provisional licence authorising him to continue to operate that service until a licence is issued to him under rule 141 or, in the event of his application being rejected, until the expiry of three months after the date of such rejection.

148. *Revocation and suspension of licences.*—(1) The Board may revoke, or suspend for such period as it thinks fit, a licence if it is satisfied that any of the conditions of the licence has not been complied with and that the failure is due to any wilful act or omission on the part of the holder of the licence, or has been so frequent, or is due to such negligence on his part, that the licence should in the public interest be revoked or as the case may be, suspended.

(2) Before any action is taken under sub-rule (1) the Board shall give to the holder of the licence not less than thirty days' notice in writing specifying the grounds upon which it is proposed to revoke or, as the case may be, suspend the licence and shall give him a opportunity of showing cause against the proposed action either in writing or by appearing in person before the Board.

(3) Where a licence is revoked or suspended under sub-rule (1) the Board shall record in writing the reasons for its decision and the holder of the licence shall be entitled to a copy thereof.

(4) Where a licence is suspended under sub-rule (1) the holder of the licence shall submit it to the Board who shall make an endorsement thereon showing the period of, and the reasons in brief for, the suspension.

(5) Notwithstanding anything contained in sub-rule (1) or sub-rule (2) the Board may, if it has reason to believe on information in its possession that it is expedient in the interests of public safety so to do, summarily suspend a licence with a view to further enquiry and action in accordance with sub-rule (1) and (2).

149. *Publication of decisions.*—The Board shall cause to be published in the *Gazette of India* and in not less than two daily newspapers the particulars prescribed in Section B of Schedule VII to these Rules concerning its decision on any application for a licence and the particulars prescribed in Section C of Schedule VII to these Rules concerning any decision to revoke, suspend or amend a licence.

150. *Transfer of licence.*—A licence issued under this Part shall not be capable of being transferred or assigned except with the specific permission of the Board.

Provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of the licence, or of the appointment of a receiver, or manager or trustee, in relation to the business of the holder, the person for the time being carrying on that business shall, if within 14 days application is made to the Board for a new licence, be entitled to continue the operation of the licensed air transport service until the application is disposed of.

151. *Continuance of rights.*—Nothing in this Part shall be construed as conferring upon the holder of a licence on its expiry any right to the issue of a new licence for the operation of a service on the same route or to the continuance of any other benefits arising from the provisions of this Part or any licence granted thereunder :

Provided, however, that if the holder of a licence applies for a new licence to continue the operation for a further period of an air transport service which has been licensed under this Part, and if the Board is satisfied that the air transport service has been operated efficiently and in the best interests of the public, other things being equal, the Board shall give preference to the application from the holder of the licence.

152. *Custody, production and surrender of licences.*—(1) A licence issued under this Part shall be kept at the principal office of the holder thereof and shall be produced for inspection on demand by any magistrate, any police officer not below the rank of Deputy Superintendent, any Customs Officer, any Gazetted Officer of the Civil Aviation Directorate, or any other person authorised by the Central Government, or the Board, by special or general order in writing in this behalf.

(2) An extract from the licence giving the particulars set out in Section D of Schedule VII to these Rules shall be displayed in a position accessible to the public in the principal traffic office of the holder of the licence.

(3) On the expiration of the currency of a licence, whether by efflux of time or in consequence of a decision of the Board under these Rules, or when a licence is suspended by the Board, the holder shall surrender the licence to the Director General for endorsement or cancellation as the case may require.

153. *Carriage of mails.*—A licence-holder shall perform all such reasonable services in regard to the conveyance of mails (with or without officers of the post office in charge thereof) on a licensed air transport service as the Director General of Posts & Telegraphs may from time to time require. The remuneration for any services performed in pursuance of such requirement shall be such as may be determined from time to time by the Board.

154. *Fees.*—(1) The following fees shall be payable :—

(a) In respect of every application for a licence under this Part except a temporary licence Rs. 500.

(b) In respect of an application for a temporary licence under this Part Rs. 100.

(c) In respect of the grant of a licence, under this Part for every year or part of a year of the period of validity of the licence Rs. 500.

(d) In respect of every application for amendment of a licence under sub-rule 2 of rule 145 Rs. 150.

(e) In respect of every representation made to the Board under rule 139, except where such representation is made by a public authority Rs. 150.

(2) A treasury receipt for the amount of the fee payable shall be forwarded with every application for a licence under this Part and with every representation made to the Board under rule 139, and a Treasury receipt for the fee payable on the grant of a licence shall be forwarded to the Director General before the issue of the licence.

(3) Where the holder of a licence voluntarily surrenders it before the expiry of the period of its validity, whether with a view to its replacement by a new licence or otherwise, he shall be entitled to a refund of a part of the fee paid under clause (c) of sub-rule (1) proportionate to the number of whole years left in the said period.

(4) Save as provided in sub-rule (3) no part of the fees paid under sub-rule (1) shall be refunded.

155. *Periodical returns.*—(1) Every person to whom a licence has been granted under this Part shall submit to the Director General in such form as may be prescribed by him—

(a) monthly returns regarding the operation of the licensed air transport services and other air transport operations of the licence holders, so as to reach the Director General not later than 45 days after the expiry of the month to which the return relates; and

(b) annual returns regarding the financial results of the undertaking during each calendar year so as to reach the Director General not later than three months after the expiry of the year to which the return relates.

(2) Subject to such additions and alterations, if any, as may be indicated in the forms prescribed by the Director General, the particulars of information to be furnished in the monthly and annual returns under sub-rule (1) shall be those set out in section A and section B, respectively, of Schedule IX to these Rules.

(3) No information furnished in an annual return under paragraph (b) of sub-rule (1) shall be published or disclosed in respect of any individual air transport service or licensee without the consent of the licensee, and if any person publishes or discloses any such information without such consent, he shall be guilty of an offence punishable under these Rules;

Provided that nothing in this sub-rule shall apply to the publication or disclosure by any authorised person of collective information relating to licensed air transport services nor to the publication or disclosure of any information for the purposes of any legal proceedings which may be taken in pursuance of this Part or for the purpose of any report of such proceedings.

II. In the Schedules to the said Rules :—

(a) in Schedule VI :—

(i) for the brackets, words and figures "(See rule 139)" the brackets, words and figures "(See rule 161)" shall be substituted;

(ii) after entry 13 (and included within the third bracket in the third column) the following entry shall be inserted, namely :—

"13A. *Unauthorised disclosure*.—Unauthorised publication or disclosure of financial information furnished relating to a licensed air transport service 155(3)".

(iii) for the figures "135", "136" and "137" in the second column against entries 19, 20 and 21, the figures "157", "158" and "159" shall respectively be substituted;

(b) after Schedule VI the following Schedules shall be added, namely :—

SCHEDULE VII

Licensing of Air Transport

Section A

Particulars of applications published in pursuance of rule 138 of the Indian Aircraft Rules, 1937.

The Air Transport Licensing Board gives notice that it has received applications for licence for the operation of the following air transport services :—

- (i) Air Route and stopping places :
- (ii) Frequency of service :
- (iii) Period of operation applied for ;
- (iv) Name and address of applicant(s) :

Any representation which may be made in regard to these applications must be deposited with the Director General not later than

The application(s) will be taken into consideration on.....

Section B

Particulars of decisions of the Licensing Board, published in pursuance of rule 149 of the Indian Aircraft Rules, 1937.

The Air Transport Licensing Board has considered the applications detailed below for a licence to operate the air transport service specified, and its decision is published for information.

- (i) Air Route and stopping places :
- (ii) Name and address of licensee :
- (iii) Number and date of licence :
- (iv) Period of validity of licence :
- (v) Frequency of service to be operated :
- (vi) Class of aircraft to be used.

Names of applicants to whom a licence has not been granted.

Section C

Particulars of licence amended, suspended or revoked, published in pursuance of rule 149 of the Indian Aircraft Rules, 1937.

The Air Transport Licensing Board has amended/suspended/revoked the licence to operate the air transport service detailed below :—

- (i) Air Route :
- (ii) Number and date of Licence ;
- (iii) Name and address of licensee :
- (iv) Details of amendment :
- (v) Reasons for amendment :
- (vi) Period of suspension :
- (vii) Reason for suspension :
- (viii) Date from which revocation takes effect :
- (ix) Reasons for revocation :

Section D

Particulars of a licence to be displayed in pursuance of rule 152(2).

- (i) Number and date of licence.
- (ii) Name and address of the licensee.
- (iii) Air route and stopping places.
- (iv) Frequency of service.
- (v) Class of aircraft operated.
- (vi) Period of validity of licence.

SCHEDULE VIII

Licensing of Air Transport

Minimum conditions to be fulfilled

(See rule 140)

A. Air Route.**1. Day operation.**

(a) *Aerodromes.*—The terminal and intermediate scheduled aerodromes shall be licensed or approved in accordance with Part XI of the Rules and equipped with approved refuelling apparatus and storage, telephone communication and (in the case of passenger air service) satisfactory passenger shelter and conveniences, with adequate personnel and equipment for the control of passengers, and the public in the interests of their safety.

(b) *Emergency landing grounds.*—For single engined aircraft operation there shall be emergency landing grounds providing in at least one direction safe landing and take off dimensions for the type of aircraft proposed at intervals of not more than 150 miles. For multi-engined aircraft operation there shall be similar emergency landing grounds at such intervals as the Board, having regard to the type of aircraft and the nature of the route, may require.

(c) *Radio.*—When otherwise required by these Rules or when the nature of the terrain along the route or climatic conditions in the season during which operations will take place, in the opinion of the Board, render visual contact flying unsafe, the route shall be equipped with radio communication and radio direction finders or radio beacons of approved type. At such aerodromes as the Board may require there shall be installed suitable radio telephone apparatus for communication between the aerodrome control and aircraft operating on or in the vicinity of the aerodrome.

(d) *Meteorology.*—The terminal and intermediate scheduled aerodromes shall be provided with means for communicating to pilots weather forecasts and weather reports for the route: Provided that the Board may dispense with such part of this requirement as appears to be suitable in the case of aircraft equipped with radio apparatus.

2. Night operation.

(a) The route shall comply with all the conditions prescribed in paragraph 1 of this Section and in addition.

(b) *Lighting.*—The route shall be equipped with approved air route beacons at every terminal and intermediate aerodrome and at such emergency landing grounds and other places along the route as to provide beacons at intervals of not more than 100 miles. All terminal and intermediate aerodromes and the emergency landing grounds provided in accordance with clause (b) of paragraph 1 shall be equipped with approved aerodrome lighting.

B. Aircraft.**1. Day operation.**

(a) *Single engined aircraft.*—Single engined aircraft shall not be operated in passenger air service over water at a greater distance from land than will permit the aircraft to reach land suitable for safe landing in the event of failure of the power plant, nor on any route which in the opinion of the Board does not permit the aircraft to be flown with safety by visual contact methods. The Board may permit such relaxation of these conditions as it thinks fit in the case of air services carrying mails or goods only.

(b) *Multi-engined aircraft.*—The aircraft when loaded to the maximum gross weight permitted by its certificate of airworthiness shall be capable of maintaining level flight with one engine inoperative at an altitude not less than 1,000 feet above the valley level at the highest point on the air route or, if flown over water, at an altitude of not less than 3,000 feet above the water.

(c) *Flight over water. Equipment.*—If the air route crosses water at a distance from land greater than will permit the aircraft to reach land in the event of complete power failure, it shall be equipped with retractable landing gear, with one or more suitable emergency exits, with life belts for each person on board and with apparatus for making the distress signals prescribed in these Rules.

(d) *Radio.*—When operating at aerodromes equipped with radio telephone communication apparatus in accordance with clause (c) of paragraph 1 of Section A, the aircraft shall be equipped with suitable radio telephone apparatus for communication between the pilot and the aerodrome control, and except on air services approved for visual contact flying, the aircraft shall be equipped with radio apparatus suitable for the transmission and reception of all radio signals to and from the radio stations established on the air route and in addition with a direction finding receiver or other receiving apparatus suitable for operating with the radio aids to navigation established on the route.

(e) *Passenger equipment*.—There shall be provided a supply of drinking water and except on aircraft carrying less than six passengers and approved lavatory.

2. Night operation.

(a) *Single engined aircraft*.—No single engined aircraft shall be approved for operation of a passenger air service by night.

(b) *Multi-engined aircraft*.—All the conditions prescribed in paragraph 1 of section B shall be complied with, and the radio requirements shall be complied with in all cases.

C. Aircrews.

1. No aircraft may be flown on a licensed air transport service without the full number of members of the crew required for its safe operation as designated in the licence. Each member of the crew shall be in possession of the appropriate licence issued or rendered valid in accordance with the provisions of Part V and Schedule II of these Rules, and in addition shall fulfil and comply with the requirements and conditions for the operation on scheduled air transport services of aircraft of the classes defined and in the conditions defined in this Section.

2. Pilot shall have had not less than the following flying experience :—

A. Aircraft authorised to be operated with one pilot.	<p>300 hours within the preceding three years, including the following :</p> <p>200 hours as solo or first pilot ;</p> <p>100 hours cross country flying ;</p> <p>20 hours instrument flying, of which not more than 10 hours may be under simulated conditions ; and for the operation of multi-engined aircraft ;</p> <p>50 hours flying of multi-engined aircraft as first or second pilot, including at least 10 take-offs and 10 landings effected as pilot ; and for operation by night.</p> <p>50 hours night flying as first or second pilot, including at least 10 take-offs and 10 landings effected as pilot.</p>
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First Pilot.

Second and other pilots.

B. Aircraft not exceeding 10,000 lbs. gross weight requiring two or more pilots.	<p>500 hours within the preceding five years, including the following :</p> <p>300 hours as solo or first pilot ;</p> <p>300 hours cross country flying ;</p> <p>40 hours instrument flying of which not more than 20 hours may be under simulated conditions ; and for the operation of multi-engined aircraft :—</p> <p>50 hours flying as first or second pilot of multi-engined aircraft including at least 10 take-offs and 10 landings effected as pilot ;</p> <p>and for operation by night 50 hours night flying as first or second pilot, including at least 10 take-offs and 10 landings effected as pilot.</p>	<p>The qualifications prescribed for a commercial pilot (B Licence) of the type or aircraft operated as prescribed in Part V and Schedule II of these Rules.</p> <p>The Pilot shall demonstrate his ability by making three take-offs and three landings in the type of aircraft in which he is to serve.</p>
C. Aircraft between 10,000 and 35,000 lbs.	<p>750 hours within the preceding five years, including the following :—</p> <p>500 hours as solo or first pilot.</p> <p>500 hours cross country flying.</p> <p>200 hours flying as first or second pilot of multi-engine aircraft, including at least 10 take-offs and 10 landings effected as pilot and 100 hours in aircraft in this class.</p> <p>50 hours instrument flying, of which not more than 25 hours may be under simulated conditions ; and for operation by night.</p> <p>100 hours night flying as first or second pilot, including at least 10 take-offs and 10 landings effected as pilot.</p>	(As above.)
D. Aircraft of gross weight exceeding 35,000 lbs. requiring two or more pilots.	<p>1500 hours within the preceding seven years, including the following :</p> <p>1000 hours as solo or first pilot,</p> <p>1000 hours cross country flying.</p> <p>500 hours flying as solo or first pilot in multi-engined aircraft and 25 hours as second pilot in aircraft in this class.</p>	(As above.)

100 hours instrument flying of which not more than 50 hours may be under simulated conditions, and for operation by night.

250 hours night flying, including at least 100 hours as first or solo pilot and at least 10 take-offs and 10 landings effected as pilot.

3. All pilots shall demonstrate to a check pilot or inspector approved by the Director General that they are familiar with the aircraft, its instruments, equipment, fuel and other installations, and its loading and operation in the conditions peculiar to the air route.

4. All pilots shall demonstrate to an Examiner appointed or approved by the Director General that they are familiar with all air navigation facilities and procedures, air traffic control system, airway lighting systems and aircraft distress procedures currently in use.

5. The first pilot shall have made at least two flights either as first pilot without passengers or as second pilot along the route over which he is required to fly in conditions permitting visual contact flying, and shall himself have landed and taken off at each of the scheduled aerodromes on the route.

6. All pilots while engaged on a licensed air transport service shall, every three months, undergo not less than two hours of practice, instruction and check in instrument flying under approved simulated conditions or on actual flight under the supervision of a check pilot approved by the Director General.

SCHEDULE IX

Licensing of Air Transport

(See rule 155)

Section A

Particulars of information regarding air transport service operations to be supplied by licence holders, monthly :—

1. The places to and from which the licensed air transport service is operated including intermediate stops.

2. The number and types of aircraft operated on the licensed air transport service, with such particulars of the aircraft and engines as may be required.

3. Number of pilots, wireless operators and other members of air crew employed on the service and numbers of licensed ground engineers and other technical personnel employed.

4. The following information relating to services operated and load carried shall be supplied separately in relation to such separate stages of the route as may be specified in the licence.

(1) *Services operated.*

(a) Number scheduled.

(b) Number and percentage completed without interruption.

(c) Number and percentage interrupted *en route* and the cause and extent of delay.

(d) Number and percentage not commenced and the causes.

(e) Number of unpremeditated landings, the services affected and the reasons.

(2) *Load carried.*

(a) Mean pay load capacity operated, i.e.,

(Sum of pay loads for each stage \times Mileage of stage)

(Total mileage of route.)

(b) Number of passengers carried.

(c) Passenger miles effected.

(d) Mean percentage of passenger seats occupied.

(e) Weight of passenger baggage carried.

(f) Weight of mails carried.

(g) Mail-ton miles effected.

(h) Weight of freight carried.

(i) Freight-ton miles effected.

(j) Mean percentage of total pay load capacity filled.

Section B.

Particulars of financial information to be supplied by licence holder annually :—

1. *Cost of operation per mile and per ton mile flown on the licensed service under the following heads :—*

(1) *Flying operations—*

(a) Pay of First Pilots.

(b) Pay of Second Pilots.

(c) Pay of Wireless operators.

(d) Pay of other members of the crew.

(e) Fuel.

(f) Oil.

(2) *Depreciation of Flying Equipment—*

(a) Depreciation of aircraft.

(b) Depreciation of aero engines.

- (c) Depreciation of aircraft propellers.
 - (d) Depreciation of aircraft radio equipment.
 - (e) Depreciation of aircraft instruments.
 - (3) *Accidents and Insurance of Flying Equipment—*
 - (a) Insurance premia.
 - (b) Cost of material, spares and other direct expenses of accidents not covered by insurance.
 - (4) *Aerodrome Operations—*
 - (a) Landing fees.
 - (b) Housing fees rent of hangars, lighting of hangars.
 - (c) Depreciation and repair of hangars.
 - (d) Rent, lighting and other expenses of aerodrome buildings other than hangars, workshops and stores.
 - (e) Depreciation and repair of other aerodrome buildings.
 - (f) Pay of traffic and other aerodrome personnel other than engineering.
 - (g) Operation of motor cars and miscellaneous expenses.
 - (5) *Flying Equipment Maintenance and Overhaul—Direct—*
 - (a) Aircraft—labour.
 - (b) Aircraft—material and parts.
 - (c) Aero engines—labour.
 - (d) Aero engines—material and parts.
 - (e) Aircraft propellers—labour.
 - (f) Aircraft propellers—material and parts.
 - (g) Aircraft radio—labour.
 - (h) Aircraft radio—material and parts.
 - (i) Aircraft instruments—labour.
 - (j) Aircraft instruments—material and parts.
 - (6) *Ground Equipment—Maintenance and Overhaul—Direct—*
 - (a) Aerodrome equipment—labour, material and parts.
 - (b) Workshop equipment—labour, material and parts.
 - (c) Mechanical Transport—labour, material and parts.
 - (d) Ground Radio—labour, material and parts.
 - (7) *Flying and Ground Equipment—Maintenance and Overhaul—(Indirect)—*
 - (a) Pay of Supervisory staff.
 - (b) Pay of stores and other general staff.
 - (c) Rent, lighting, etc., workshops and stores buildings.
 - (d) Depreciation and repair of workshops and stores, buildings.
 - (e) Office supplies and other general expenses of engineering department.
 - (8) *Depreciation of Ground Equipment—*
 - (a) Machinery, tools and mechanical equipment.
 - (b) Mechanical transport.
 - (c) Ground radio equipment.
 - (d) Aerodrome equipment.
 - (e) Other equipment.
 - (9) *Traffic and sales—*
 - (a) Pay of traffic staff and agents.
 - (b) Agency commission on bookings.
 - (c) Other traffic expenses.
 - (10) *Advertising and publicity.*
All advertising and publicity costs including the publication of time-tables and pamphlets.
 - (11) *Passenger service—*
 - (a) Pay of cabin attendants.
 - (b) Food service for passengers.
 - (c) Passenger insurance.
 - (d) Ground transport of passengers.
 - (e) Other costs of caring for passengers.
 - (12) *Administrative and General—*
 - (a) Pay of managerial staff.
 - (b) Pay of office and general staff.
 - (c) Personnel—Welfare.
 - (d) General taxes.
 - (e) Other expenses.
2. *Revenue earned per mile flown and per ton mile of load carried under the following heads :—*
- (1) *Passengers.*
 - (2) *Passenger baggage.*
 - (3) *Mails.*
 - (4) *Freight."*

ELECTION OF MEMBERS TO THE COURT OF DELHI UNIVERSITY

Dr. John Sargent (Secretary, Education Department): Sir, I move:

"That in pursuance of clause (xiv) of sub-section (1) of section 18 of the Delhi University Act, 1922 (VIII of 1922) as amended by the Delhi University (Amendment) Act, 1943 (XXIV of 1943), read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to the latter Act, the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, eight persons from among their own number to be members of the Court of the University of Delhi."

Mr. President: Motion moved:

"That in pursuance of clause (xiv) of sub-section (1) of section 18 of the Delhi University Act, 1922 (VIII of 1922) as amended by the Delhi University (Amendment) Act, 1943 (XXIV of 1943), read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to the latter Act, the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, eight persons from among their own number to be members of the Court of the University of Delhi."

Lt.-Col. Dr. J. C. Chatterjee (Nominated: Non-Official): On a point of information, Sir: I would like to know why the election of these 8 members is confined to the elected members of the House. Is it presumed that only elected members are educated and the others are uneducated?

Mr. President: Order, order. I presume—I do not know—that this must be in accordance with the provisions of the Act.

Dr. John Sargeant: Yes, Sir.

Mr. President: There is a statutory obligation and that is why the motion is worded as it is: it makes no distinction between the elected and nominated, so far as the House goes.

The question is:

"That in pursuance of clause (xiv) of sub-section (1) of section 18 of the Delhi University Act, 1922 (VIII of 1922) as amended by the Delhi University (Amendment) Act, 1943 (XXIV of 1943), read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to the latter Act, the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, eight persons from among their own number to be members of the Court of the University of Delhi."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE EDUCATION DEPARTMENT.

Dr. John Sargent (Secretary, Education Department): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, ten non-official members to serve during the period comprising the unexpired portion of the current financial year and the whole of the next financial year, on a Standing Committee to advise on subjects dealt with in the Department of Education."

Mr. President: Motion moved:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, ten non-official members to serve during the period comprising the unexpired portion of the current financial year and the whole of the next financial year, on a Standing Committee to advise on subjects dealt with in the Department of Education."

To this motion, Mr. Ayyangar has tabled an amendment. In this connection I would draw the Honourable Member's attention to the Rules regarding the constitution of Standing Committees on page 96. The rules do provide that brief reports of the activities of each committee, mentioning the subjects discussed and the conclusions reached by the Committee but not the tenor of the discussions will be circulated to all members of the Central Legislature.

Sri M. Ananthasayanam Ayyangar (Madras ceded District and Chittoor: Non-Muhammadan Rural): In addition, I want larger details to be given. There is a Planning Committee and other important Committees and their proceedings are so important that they affect the general administration of the country as a whole and all the members of the Assembly are interested in them. At present we get only a few laconic sentences and it is not easy to understand what exactly transpired. I want a bigger and fuller statement to be made at each session of the House in regard to the proceedings during the off season. That is the object of my motion.

Mr. President: The difficulty which I have been feeling about the amendment is this. The provisions of the Standing Order are very clear. The reports have to be brief and a further limitation has been imposed in regard to the tenor of the discussions. If the Honourable Member wants to enlarge the scope of the Committee's reports, the Standing Orders must first be amended.

Sri M. Ananthasayanam Ayyangar: What I am trying to do is to secure fuller reports by means of a vote of this House. What I desire is that the member who makes a motion must make a statement to the House as to what the activities in the previous period were. It should not be a brief résumé but it should be *in extenso* so that the members of the House may be fully informed as to what activities were embarked upon during that period, in order that the Assembly may correct mistakes, if any, or add usefully to the activities in a later session. I submit that my suggestion is not inconsistent with the provision that already exists. I would therefore submit that my amendment is calculated to add to the usefulness of the committee.

Mr. President: However desirable that course may be, I am now concerned with the admissibility of the amendment. To my mind, it does not fit in with the provisions of the Standing Order. The Committee itself may do many things by common consent.

Sri M. Ananthasayanam Ayyangar: Then I do not press my amendment. I shall later on make a suitable motion for amending the Standing Order.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural): I would like the Honourable Member to take advantage of this opportunity and tell us what is the work that has been transacted by the Committee since it was appointed last year. We want to know whether it has been convened at all and if so how often and what were the subjects that were discussed. I learn that there is an All-India Educational Conference or Committee or Council associated with the Education Department, that it meets once or twice a year and on it are represented some of the most distinguished educationists of the country. I would like to be supplied with copies of the reports that are being issued by this Council. We have just now passed a motion in regard to the Delhi University. I should like to know whether it would be impossible to supply us with a copy of the administration report of the Delhi University for our information.

Dr. John Sargent: With regard to the first point raised by Prof. Ranga, I may inform the House that a standing committee of the late legislature met last summer and we had a very interesting meeting. The main object was to discuss and explain the proposals for post war development in this country which have been prepared by the Central Advisory Board of Education. The Standing Committee generally accepted this as desirable. The other body to which the Honourable Member referred was the Central Advisory Board of Education itself. All the reports of that body were, I think, circulated to all members of the last Assembly. They are certainly in the library of the House. I should be only too delighted to recirculate them.

With regard to the Delhi University, I do not know exactly what the Honourable Member has in mind. The amending Act of 1948 sets out with great clearness the whole of the present constitution of the University and the very long discussions in the House lasting over a month which then took place will inform him pretty accurately of the way the Delhi University is administered. If there is any further information the Honourable Member would like to have, I should be very glad to supply him with it.

Lt.-Col. Dr. J. C. Chatterjee: I think the Honourable Member's purpose will be served if he gets copies of the Annual Report of the Delhi University.

Mr. President: That motion has already been adopted by the House.

Lt.-Col. Dr. J. C. Chatterjee: There was a reference made by the Honourable Member to certain administration reports of the Delhi University. An annual report is published by the University.

Mr. President: This matter relates to the previous motion.

IA. Col. Dr. J. C. Chatterjee: The Honourable Member raised this point in connection with the last motion. He said he would like to have copies of the Administration Report. The report of the Central Advisory Board of Education was circulated last year.

Mr. M. Asaf Ali (Delhi: General): I am not quite sure whether this is not due to war economy of paper that we were not supplied with the necessary literature. I remember we used to get all the reports connected with the Delhi University from time to time, including the proceedings of the Governing Body and everything else every year.

We have all along been receiving reports and minutes of the proceedings. If all literature is supplied to all Honourable Members, I am absolutely certain that questions of this nature will not arise. Honourable Members will be able to make up their minds whether they should participate in the kind of committees which are being suggested or they should not. So if they have nothing in their mind, they will place these reports before us. The Progress reports of the Educational Commissioner have also become very scarce, they are not going round now-a-days. Why are they not sent to all members so that they may know exactly what is happening so far as education is concerned.

Dr. John Sargent: I am most anxious to supply Honourable Members with all the information possible relating to educational questions. We suffer from a lack of knowledge in this respect. Although it is perhaps outside the scope of the present discussion, I may say with regard to the question of my own reports, that is, the annual and quinquennial reports by the Educational Commissioner, that as a measure of economy and at the request of Provincial Governments on whom we depend very largely for material, they have been in abeyance for the last two or three years. But the draft of the main report is at the moment on my table and I hope the publication will be resumed in the very near future.

Mr. President: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, ten non-official members to serve during the period comprising the unexpired portion of the current financial year and the whole of the next financial year, on a Standing Committee to advise on subjects dealt with in the Department of Education."

The motion was adopted.

Mr. President: I have to inform Honourable Members that for the purpose of election of members to the Court of the University of Delhi and the Standing Committee for the Department of Education, the Notice Office will be open to receive nominations upto 12 noon on Monday, the 18th February, and that the elections, if necessary, will be held on Wednesday, the 20th February. The elections, which will be conducted in accordance with the Regulations for holding of elections by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, between the hours of 10-30 A.M. and 1 P.M.

PHARMACY BILL.

Mr. President: Further consideration of the following motion moved by Mr. S. H. Y. Oulsnam on Friday, the 8th February, 1946, namely:

"That the Bill to regulate the profession of pharmacy be referred to a Select Committee consisting of Rai Bahadur D. M. Bhattacharyya, Dr. P. G. Solanki, Mr. E. L. C. Gwillt, Sir Hassan Suhrawardy, Syed Ghulam Bhik Nairang, Dr. G. V. Deshmukh, Pandit Thakur Das Bhargava, Pandit Balkrishna Sharma and the mover, with instructions to report on or before the 25th February, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Also further consideration of the Amendment moved by Mr. Ahmed Ebrahim Haroon Jaffer:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June 1946."

Amendment moved (by Dr. G. V. Deshmukh):

"That the Bill be circulated for the purpose of eliciting opinion thereon by Tuesday, the 30th April 1946."

Mr. Leslie Gwilt (Bombay: European): Mr. President, Sir, on behalf of the European Group, I rise to support the Motion that has been moved by my Honourable friend Dr. Deshmukh for the circulation of this Bill, though I must confess that I do so somewhat half heartedly. I do so without enthusiasm because we feel that the drafting of the Bill is as admirable as its principle and objects and in addition to those opinions which my Honourable friend the Mover read out, opinions from bodies who are interested in the Bill, I may make a reference to a telegram that we have received from the Bengal Pharmaceutical Association in which they welcome wholeheartedly the introduction of the Pharmacy Bill and feel that the Bill should not be circulated but referred to the Select Committee in the interests of public health service of India and national health. That telegram very largely expresses the opinion of the Group. Furthermore I think it will interest the House to know that in the Pharmaceutical Journal of the issue of 5th January—the official organ of the Pharmaceutical Society of Great Britain—there appear two articles, one of which is an editorial and the other a commentary and both speak well of the Bill. Despite this, however, as I have said, my Group supports the Motion for circulation, because the Bill is to some extent a technical measure and despite the fact that we feel its provisions are straightforward and desirable, nevertheless we appreciate that there are Honourable Members of this House who may feel that they not only require themselves to examine its provisions further but also that an opportunity should be given to the interests with whom they may be in contact. I venture to think that when the Bill eventually emerges from the Select committee, it is unlikely that there will be any major alteration in its clauses. For as a piece of legislation complementary to the Drugs Act, I suggest that it provides much of similar legislation in other countries.

In conclusion, Sir, I hope that the Honourable Member who is in charge of the Bill will at the time of circulating it also circulate copies of this debate and if I may suggest it, a copy of the articles to which I referred which appear in the Pharmaceutical Journal, because I think they will be of assistance. Sir, I support the Motion for circulation.

Mr. S. H. Y. Oulnam (Secretary, Health Department): Sir, I will only reply very briefly to one or two points which were raised during the course of the debate the other day by my Honourable friend from Bombay City. I am afraid I cannot follow him over the very wide field which he covered on that occasion. I certainly welcome and endorse his plea for a more active public interest in health measures and I hope that when the report of the Health Survey and Development Committee is published—it will be published in a few days time as soon as printed copies are available—I hope it will help to stimulate public interest in these matters. But this Bill is concerned with one specific problem, namely, the problem of ensuring that persons engaged in the profession of pharmacy are adequately qualified. I gather that the real complaint of the Honourable Member was that the Bill does not go far enough. I make no claim that the Bill is perfect,—few Bills ever are,—and I hope that we shall have the assistance of the Honourable Member in improving the Bill when it eventually goes to the Select Committee.

The Honourable Member also emphasised the fact that there are at present no training institutions for pharmacists. I suggest that it is the absence of legislation of this nature which is at present an obstacle to the establishment of such training institutions, firstly because there must be some authoritative body which will lay down the standards of training, and secondly because students who are sent to these institutions must have some reasonable assurance that after undergoing the training they will secure employment. That assurance they cannot have until the profession is closed to untrained persons.

There is one more point which the Honourable Member mentioned. He enquired whether the Bill prepared in Bombay has been referred to in the preparation of this Bill. The answer to that is,—yes; it was referred to, and not only the Bombay Bill but also the Bengal Bill prepared by a committee under the chairmanship of Sir R. N. Chopra, and a Bill prepared by the Indian

Pharmaceutical Association. And I should like to take this opportunity to acknowledge the public service done by all those who were associated with the preparation of these various drafts.

Sir, while making the motion for reference to Select Committee I said that Government would have no objection to circulation if there was a general desire in the House that that course should be adopted. And as there is apparently a general feeling that it is desirable to circulate it, Government will have no objection to either of the two amendments which are before the House.

Mr. Leslie Gwilt: Sir, may I inquire of the Honourable Member which of the two amendments he proposes to accept?

Mr. President: He said he was prepared to accept either of the two.

Haji Abdus Sattar Haji Ishaq Seth (West Coast and Nilgris: Muhammadan): Sir, may I say something to explain the difference between the two?

Mr. President: The difference is of two months, as far as I can see. One gives the date 30th April, the other gives 30th June.

Haji Abdus Sattar Haji Ishaq Seth: There is some difference between the two and I want to explain it in brief.

Mr. President: That will be making a speech, which cannot be allowed. The difference is clear. I propose to put first the amendment of Mr. Haroon Jaffer.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June 1946."

The motion was adopted.

Mr. President: The other amendment does not serve now.

OILSEEDS COMMITTEE BILL.

Sir Pheroze Kharegat (Secretary, Agriculture Department): Sir, I move: "That the Bill to provide for the creation of a fund to be expended by a Committee specially constituted for the improvement and development of the cultivation and marketing of oilseeds and of the production, manufacture and marketing of oilseed products, be taken into consideration."

This Bill was brought up before the previous Assembly nearly a year ago. It was referred by it to a Select Committee which went into the matter in great detail; and I should like to take advantage of this opportunity to express my gratitude to the members of the Select Committee for all the work that they put in in this connection. The Bill as it has emerged from the Select Committee is considerably improved and it is that Bill which is now being brought up before the House, substantially as it emerged from the Select Committee. For the benefit of the new Members of the House, however, I may explain one or two points and deal with certain difficulties that have been raised in this connection. The Bill is intended to promote the cultivation and the marketing of oilseeds and their products. The total production of oilseeds in India is of the order of $4\frac{1}{2}$ million tons, which may be valued at 175 crores of rupees per year; and that is excluding cotton seed which totals about $1\frac{1}{2}$ million tons a year and the value of which is another 25 crores a year. So the total value of the production of oilseeds is in the neighbourhood of 200 crores a year; and it is but right and proper that a crop of this magnitude should receive adequate attention and its development should be attended to adequately.

Now, Sir, a fear has been expressed by my Honourable friend Mr. Ayyangar that if attention is paid to oilseeds it may have an adverse effect on food production. I can assure the House that this is not likely to happen. The aim of the Committee will be not to increase the acreage under oilseeds but to increase the production per acre and the oil content; and it is to these matters that the Committee will devote special attention. In this connection I may also point out that it is absolutely essential to increase our production of fats and oils. We know that there is an acute shortage and the production of fats and oils needs to be increased by something like 250 per cent. in order to meet the needs

[Sir Pheroze Kharegat]
of the country. Nevertheless what is happening at present because of lack of adequate guidance may be illustrated from a communication I received only a few days ago. One province has solemnly suggested that it should take up work on the utilisation of mustard oil for industrial purposes. People in Bengal are crying out for mustard oil because it is one of their staple articles of diet, and here is another province which solemnly proposes to go in to use mustard oil for industrial purposes. I am quite certain that if there had been an oil-seeds committee to advise them on the subject such a suggestion would never have been made.

Now, Sir, I come to the next question, and that is the levy of a cess. There are various opinions about that. I know my Honourable friend Prof. Ranga will suggest that Government should find the money instead of a cess being levied. Well, Sir, Government can only find the money from taxation. What form that tax is to take will depend on Government. And when we have to depend entirely on Government occasions arise when Government give a certain amount of money and then a retrenchment craze starts, and the first thing that is apt to be retrenched is agriculture and grants given to agricultural committees. It is much better from the point of view of everybody if the money is earmarked for the Committee from a special cess levied for the purpose by the legislature. A suggestion has been put forward that the cess should be levied not on manufactures in the country but on exports. The difficulty about that is that our exports are dwindling. Before the war the exports of oilseeds were 13½ lakhs of tons a year; today the exports are just over 8½ lakhs. And if the same process goes on, the figure may drop to practically nothing
1 P.M. and if we adopt this method of financing the committee, the risk is that the committee will be bankrupt in the course of the next two or three years. That seems to be the crux of the question.

The incidence of the cess, I may point out, is negligible. It will be one anna per maund and if you reckon a maund at 12½ rupees (actually it is 15 rupees per maund on an average at present for the oilseeds), it works out at one anna out of 200 annas, i.e., half a per cent., and that half a per cent. will be shared by the producer, by the consumer, by the manufacturer, and by the trader, so that the actual incidence of the Cess on any one group will be negligible.

I may here point out that there is already a cess on exports at more or less the same rate, i.e., at half a per cent. *ad valorem*, so that the cess on internal production and the cess on exports will be practically the same. In that connection, Sir, I was asked by an Honourable Member from this House as to what the Council has been doing with this half a per cent. cess which has been levied on oilseeds for the past few years. That cess, which is levied by the Imperial Council of Agricultural Research, is a cess not only on the export of oilseeds but on the export of various other agricultural products and it brings in a sum of between ten and twelve lakhs of rupees per year. Out of this ten to twelve lakhs, the Council has to carry on research on rice, on wheat, on millets, on oilseeds, on pulses, on animal husbandry projects, on fisheries, and so on. So it can be imagined to what extent this amount of ten to twelve lakhs can suffice for attending to all these various important items. Naturally more attention has to be paid to the crops which will give food. Nevertheless I may point out that the Imperial Council has spent quite an appreciable amount of money on financing oilseed schemes. They have financed schemes on the breeding of groundnuts in Madras, rape and mustard in the Punjab, linseed in the Central Provinces, castor in Hyderabad, groundnuts in Mysore, coconuts in Madras, and in addition to that from a fund which was received from His Majesty's Government some years ago, part of which was received by the Imperial Council, they have financed schemes for storage of groundnuts in Madras, and for the control of pests and diseases of the various kinds of oilseeds—groundnuts in Madras, til in the United Provinces, brassicae in the Punjab, linseed in the Central Provinces, castor in Hyderabad, and safflower in Bombay. So that I do not think it can be said that the claims of oilseeds have been altogether neglected by the Imperial Council of Agricultural Research.

Now, Sir, I pass on to the next item and that is the constitution of the proposed committee. The objection has been raised that it is too large a body and it will be unwieldy. Sir, there is a great deal of force in that, I admit. On the other hand, the fact is that all these committees work through sub-committees of their own, i.e., the committee appoints a sub-committee for agricultural research, a sub-committee for technological work, a separate sub-committee for marketing work, and so on, and all these sub-committees submit their reports to the main committee which then co-ordinates the whole thing and gives its verdict. So that if the Committee is too small, it might adversely affect the sub-committees' work. Then, again, Sir, the proposal is that one-third of the members should be Government servants, i.e., representatives mainly of provincial departments of Agriculture. They are necessary on a body like this because three-fourths of the work that will be taken up will be in connection with agricultural research and development, and without the help of these agricultural experts this work cannot be taken up. Then again, Sir, one-third of the representation will go to growers. I admit that it might have been an advantage if the representatives of growers could have been elected. But there are no organisations or there are very few of them which can be asked to elect. Moreover in certain provinces there are too many organisations and it is not possible to decide which of them should be given the right to elect. In the circumstances we have had no alternative but to say that the nominations would be made by the Provincial Governments after consulting such organisations of growers as they exist in the provinces. The remaining one-third of the membership of the committee will go to manufacturers, traders and exporters combined. Here again one of our difficulties has been that there are so many of these associations that we have had to resort to nomination by Government so that the nominations from the different associations may first be received and then on the basis of that selections may be made as to the persons who are to be nominated to the committee. There is one important point I would like to mention in connection with these committees: Decisions are not made on the basis of growers or manufacturers or so on. I must have attended or presided over hundreds of meetings in the past few years myself. During the whole of that period the number of cases in which we had to ask for votes could be counted on the fingers of one hand. The decisions of these committees are not taken by votes at all. They meet in a sort of parliament for that particular commodity where they discuss all aspects of the matter, discuss them thoroughly and then in almost all cases they come to unanimous conclusions as to the action to be taken for promoting the welfare of that commodity: and that is the value of these committees—that all the interests are brought together, they meet there, they discuss their common problems and arrive at joint conclusions.

There is little more that I have to say. The Bill has already been before a Select Committee which has gone into the matter in great detail and I was hoping that the Bill as it emerged from the Select Committee would be accepted by the House as it stands. If, however, as I understand there is a demand on the part of the Members that it should be referred to another Select Committee, I have no objection and I shall gladly accept that suggestion.

Sir, I move:

Mr. President: Motion moved:

"That the Bill to provide for the creation of a fund to be expended by a Committee specially constituted for the improvement and development of the cultivation and marketing of oilseeds and of the production, manufacture and marketing of oilseed products, be taken into consideration."

There are two groups of amendments: one is that the Bill be circulated for eliciting public opinion and the other group consists of three amendments suggesting different dates by which the Select Committees should report.

I do not find the Honourable Mr. Jaffer who has tabled an amendment that the Bill be circulated for the purpose of eliciting opinion. Will the other Members therefore move their amendments?

May I know one thing from Prof. Ranga. He has put in 15th February.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): would like the permission of the House to change the date to 25th February.

Mr. President: Then any one of these three may be moved unless there is a difference in the names.

Prof. N. G. Ranga: Sir, I move:

"That the Bill be referred to a Select Committee consisting of Pandit Sri Krishna Dutt Paliwal, Mr. Sasanka Sekhar Sanyal, Mr. B. B. Varma, Dr. G. V. Deshmukh, Sjt. B. S. Hiray, Sri R. Venkatasubba Reddiar, Mr. Muhammad Nauman, Nawab Siddique Ali Khan, Mr. Asghar Ali Khan, Mr. Muhammad Rahmat-ullah, Rai Bahadur D. M. Bhattacharyya, Mr. B. C. A. Cook, Sir Pheroze Kharegat, Mr. E. L. C. Gwilt, and the mover, with instructions to report by Monday, the 25th February, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. President: What about the other amendments?

Mr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): I have no objection to taking all the names suggested by Professor Ranga and also accepting the date. I do not know what the Honourable Member would like, the 20th or the 25th?

Sir Pheroze Kharegat: I am prepared to accept the 25th.

Dr. G. V. Deshmukh: In that case I am happy about it.

Mr. President: Mr. Jaffer is not here again.

Amendment moved:

"That the Bill be referred to a Select Committee consisting of Pandit Sri Krishna Dutt Paliwal, Mr. Sasanka Sekhar Sanyal, Mr. B. B. Varma, Dr. G. V. Deshmukh, Sjt. B. S. Hiray, Sri R. Venkatasubba Reddiar, Mr. Muhammad Nauman, Nawab Siddique Ali Khan, Mr. Asghar Ali Khan, Mr. Muhammad Rahmat-ullah, Rai Bahadur D. M. Bhattacharyya, Mr. B. C. A. Cook, Sir Pheroze Kharegat, Mr. E. L. C. Gwilt, and the mover, with instructions to report by Monday, the 25th February, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

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

Prof. N. G. Ranga: Mr. President, in support of the motion I wish to say a few words. First of all, I wish to say that it is wrong of the Government to try to place the financial burden for all these committees upon the peasants alone. Even if it has to be conceded that peasants too have to bear a portion of this burden, it must be admitted that the general revenues also ought to be expected to contribute their share to these various commodity committees. In no other country, not even in England, which has been committed for a very long time to their laissez faire policy, has such a precedent been established, whereby peasants alone are made to pay for whatever special assistance that is sought to be given to them by Government. It is most necessary that if peasants are to contribute this money and it amounts easily to 50 lakhs per annum, even according to the figures given by my Honourable friend Sir Pheroze Kharegat, it is necessary that the Government should contribute from the general revenues, at least as much more in order to recognise their responsibility, their interest in the welfare of peasants. It may be argued that the general revenues also come from the taxpayers, since peasants are a part of them. It does not therefore make much difference but that is not so. So far as the Provincial Governments are concerned more than three fourths of their revenues are derived from peasants and agricultural workers and most of it through regressive taxation. But when we come to the revenues of the Government of India we find that a good percentage of it comes from the rich people. Therefore it is possible to shift the burden of the Government's grant to any such committee to as great an extent as possible on to the shoulders of the rich and the rich ought to be made to contribute their share to the improvement of the lot of the agriculturists of our country.

Coming to the specific points made by my Honourable friend, Sir Pheroze Kharegat, I wish to say that the representation provided in this proposed committee for peasants is not at all adequate. Sir, their idea of it is wrong, that peasants, traders and governments concerned are to be treated all alike and therefore they are to be given one-third quota for each one of them. It is the peasants who have the major interest in it. They grow the oilseeds and their prosperity or depression depends upon it and this Committee is sought to be constituted in order to raise the status of the growers principally. Where do the traders come in? Where do the merchants for instance, come in? What is the extremely productive function that they discharge except serving as middlemen and why is it that they should be treated on the same footing as the growers themselves? So I am anxious that the growers should be given at least half as much more representation as the traders. Even if it can be contended by Government that the specific representation proposed to be given to various merchant organisations that are named here cannot be reduced or given up, then I suggest that the quantum of representation that they propose to give to the growers must be increased. It means that the total strength of this committee has to be increased. My answer to those who complain against the strength of this committee is this. The Government itself have admitted that these committees are to serve as a sort of quasi parliaments for these crops and those people interested in growing and marketing and the utilisation of these crops. If they are to be parliaments, then they must be sufficiently representative and the numbers of these parliaments do count and it is not necessary that they should be limited to such a number as to make it impossible for them to be sufficiently representative.

Secondly, these parliaments can work through their committees. My Honourable friend has already mentioned certain aspects of it which can be dealt with by sub-committees. There are other aspects also like marketing and the development of co-operative production, co-operative marketing and the organisation, the construction of warehousing, co-operative warehousing and also the departmental warehousing. For all these things the necessary sub-committees can be organised, say out of the members of these parliaments and also from out of those who may be coopted by those sub-committees. Therefore I do not see any fundamental objection to the raising of the total strength of this committee and thus providing a greater percentage of representation to the growers than what is being provided in this.

Then, there is the other thing and that is the manner in which the cess is to be levied. It is proposed in this Bill that it should be levied upon all groundnut, that is decorticated in these mills. We wish to make one suggestion and that is, oil alone should be made to pay the cess and not the cake that is separated from it, because oil cake is needed by our agriculturists for manurial purposes and it stands to reason that our peasants ought not to be made to pay this cess upon the oil cake that is extracted from out of their own oilseeds. Therefore we are anxious that this cess should be confined to oil and oil cakes should be excluded.

There is a representation proposed to be given to Provincial Governments. I have no objection to this but there is no reason why the same amount of uniform representation ought to be given to all the Provincial Governments irrespective of the fact that larger or smaller areas of groundnut are being represented by these different provinces and Provincial Governments. So I suggest that this also has to be scrutinised by the Select Committee.

Lastly, I am anxious that when these growers come to be represented, a sincere and earnest attempt should be made by Government, Provincial as well as Central, to see that the peasants are encouraged to organise themselves and thus get themselves represented directly through their organisations, and not to depend upon the sweet will and pleasure of the Provincial Governments which will otherwise have the right to nominate any one they like. My honourable friend has said that there are so many organisations and it is so difficult for him or for the Government to make any sort of distinction about the representative

[Prof. N. G. Ranga]

character of various peasant organisations. But he did not find it difficult to make such a distinction as between traders' organisations, and therefore he has already indicated their names and also the proposed representation for them. I do not see any reason why it should be so very impossible for Government to do a similar thing in regard to the peasants organisations.

I hope these points will be kept in mind by the Select Committee and also by the Government and I trust that the Government will go more than half way in trying to meet us in the select committee stage and seeing that this Bill is brought back again at the earliest possible opportunity and passed into law.

Dr. G. V. Deshmukh: Mr. President, a good deal of the difficulty about this Bill has been diminished by the attitude of the Honourable Member in accepting the proposal for the Bill to be sent to the Select Committee. The reasons for sending this Bill to the Select Committee are obvious and I may bring them to the notice of Honourable Members. After all this is a new House: it is a fresh Assembly. It is true that the Bill was considered in all its details by the Select Committee of the old House. Looking at the members of that Select Committee, I find that five of them have written dissenting minutes, and so far as the membership of this House is concerned, I think 50 per cent. of them are no more in the House. Therefore these are all reasons why the Bill should be sent to Select Committee; and as in the case of the old Bill, also in the case of this Bill, I may say that our intention in trying to refer this Bill to the select committee should not be misunderstood. There is absolutely no intention on this side of the House to have any delaying tactics at all. Perhaps we may admit that the Honourable Members there may be very anxious in regard to these questions, but we claim that we are no less anxious, if anything, more anxious, to do all we can for the people of our country.

Looking at the aims and objects of this Bill I find that it is for the production and development of the oilseeds and also of the marketing of the oilseeds. I am very glad that the Honourable Member has drawn the attention of this House to the importance of this question. After all, when you compare this question of oilseeds—and as I mentioned the other day also the case of drugs—if you compare these questions with the other financial and economic questions which make so much noise in the Assembly at the present time, you will find that these questions are of far greater and very much more vital importance than the other questions which make a good deal of noise. The Honourable Member today told us

Sgt. N. V. Gadgil (Bombay Central Divisions: Non-Muhammadan Rural): Coins naturally make more noise!

Dr. G. V. Deshmukh: Yes: it is very small compared with the noise that coins make, whether it is Bretton Woods or something else. Under the circumstances I think that the members of the House are not doing a wrong thing in drawing the attention of the House to these questions, whether it is of drugs or oilseeds or any other vital question which involves the health of this country: and not only this House, I find that the members also of the Press cannot be absolved from the charge that they also do not realise the relative importance of the subject. However this is not the occasion for me to upset anybody. All I can say is that questions like these which immediately do not look of so much vital importance, but which really if you were to consider, are of far greater importance ought to be given better publicity, not from the point of view of the speakers or the Assembly, because the whole function of discussions in this House or of publishing in the press is to educate public opinion; and I claim that the press is a very important agent in educating public opinion.

Looking at the aims and objects of this Bill I certainly think that having a cess committee and producing the finance for this kind of a Bill is absolutely an attempt in the right direction. How the finance is to be found is for the Honourable Member and other members of the House to determine.

One defect I find in the constitution of this Bill is with regard to the marketing. I find that on this, different associations and different Governments are nominated for membership on the council; I find that if you want to improve the marketing of this commodity, then you can only do so under the present circumstances by taking the help of the trading associations which are already in existence. I admit that they may not be in a very perfect condition; but on the other hand, when you are introducing this Bill and when you are passing this Bill, if you give encouragement to the trading associations in sending their elected members, I think you would have gone a good way in improving the condition of this Bill. To illustrate what I mean, in Bombay we have the Seed Traders Association. I am certainly interested in this association, for this reason that it happens to be my constituency as well. This Seed Traders Association, if you look at the reports from the department on the Groundnuts Committee report or the Linseed report, we find that the report itself pays a proper compliment to this body, and says that what with futures and hedge contract and all that, the influence of this association has been to stabilise the conditions in the oilseeds market. The report also acknowledges that the Seed Traders Association is the only organised body so far as they know and their regulations and rules are very good. In spite of that and the avowed object of this Bill being also the marketing of oilseeds, I find no nominee, nobody from that Seed Traders Association, who could come to this committee directly. I should therefore request the Honourable Member to take these trading associations into consideration and give them proper representation.

Another thing that I should certainly like to draw the attention of the House to is with regard to the value of these oilseeds as foods. After all our attention is only drawn to the fact that the internal trade in oilseeds is about 2 crores and the exports come to 5 or 10 crores

Sri M. Ananthasayagham Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Of rupees?

Dr. G. V. Deshmukh: Yes. Besides that, at the present time we have to take into consideration the fact that these seeds have a food value. It is astonishing that our attention has been concentrated on grains as regards food and whenever we have a discussion about food shortage we all seem to concentrate our attention on this that we have not got sufficient quantity of foodgrains and there is a deficit and let us go to America to beg for foodgrains. But my charge against the Government as well as the Agriculture and Food Department has been and is that there are such things as protective foods and that supposing we have a sufficient supply, not of foodgrains but what you call the protective foods—and groundnuts comes under that classification of protective foods—today we would not be looking askance at the position that is going to arrive after two or three months. Today we would not be in a panic about famine overcoming us. Today we would not be going about begging for food from America. Today the Food Secretary would not be getting all these disappointing replies about foodstuffs.

Now, Sir, the average food of an Indian valued in calories and vital contents is hardly 2 per cent. in fats and that is why you see our people so undernourished and suffering from lack of vitality. On the other hand look at the diet of an average European or the average diet of a healthy race. You will find not less than 15 to 20 per cent. of calories is made up of fats. I am not now talking merely from the commercial point of view. I am now talking from the point of view of the health of the race. If we can double or quadruple the quantity of ground nuts and linseed that we grow, we should certainly try to do so. If you concentrate merely on paper and say that have increased your fallow area by 7 millions and got a reserve of 50,000 tons it means nothing.

It has always been a surprise to me as to why we did not concentrate with regard to our food supply in so far as the production is concerned and I think that with proper utilisation of water and proper utilisation of manure our production could easily have been doubled or trebled and to that extent the problem of food in this country could have been solved. Unfortunately this has not been

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done. The nutritive value of groundnuts is very great. I had a talk with nutritional friends in Bombay and they assure me that with a little care in shelling, a good deal of it which now goes as food for cattle such as seed cakes could be utilised for human consumption. I am not talking of special experts. Those who are conversant with the subject and are in touch with public opinion have assured me on this point and I should request the Honourable Member to look at this from that point of view as well. The quality of the seed should be improved certainly. The marketing conditions should also be improved. I hope the Agricultural Department and if possible the Food Department will do all they can specially in the coming months in the places where food can be easily grown and where water is now allowed to go to waste. You, Sir, have seen how in our presidency hydro-electric water from Khandala Ghat goes to waste, without being utilised for the production of foodstuffs in this country. It is not that the Government's attention has not been drawn to this. If I remember rightly, something like 8 years have already passed and yet nothing has been done. I do not know whether all this is kept waiting for the post war period. Anyway, I hope that the looming famine conditions will wake us to our situation.

I therefore ask the Member in charge to take note of the points I have raised in my cursory discussion of the subject. I hope they will attempt not only to produce a better quality of seed but more plentiful seeds. I do not care so much about exports as the nutrition of the people and I hope that trading associations like the Sred Traders Association of Bombay will be given proper representation on this Committee and thus fulfil a very useful purpose.

Mr. Leslie Gwilt: I am surprised at the opening remarks of my friend Dr. Deshmukh, because if I understood the remarks of the Honourable the Mover he was prepared to accept the motion for Select Committee.

When this motion came before the House during the last session I was a member of the Select Committee and in the remarks that I made when the motion for reference to a Select Committee was moved I made one or two points and there was one which I feel has not been dealt with as adequately as it might have been. The point was that the case which the Bill seeks to provide should also be levied upon the oil entering British India from the Indian States. The Honourable Member who was then in charge of the Bill, when replying to the debate, in his stride, as it were, said that he felt that the machinery that would be necessary for the imposition of such a cess would be out of proportion to the amount of revenue that would be raised. Well, Sir, he may be correct but I would like to hear from the Honourable Member now in charge of the Bill whether in the meantime Government have had an opportunity of studying that particular point and what are their findings. If my information is correct, ground nut oil that is produced in Kathiawar and the Nizam States alone amount to some 55 thousand tons and here I should say that in order to produce 55,000 tons of oil it is necessary to crush 140,000 tons of ground nuts and an octroi duty or cess of one anna a pound on the ground nuts crushed or Rs. 4-4-0 per ton of oil would yield 2,35,000 rupees from those two States alone. If all other States and all other kinds of oil seeds crushed are taken into account, I submit that there would be a very substantial recovery and I would like to hear from the Honourable Member if the machinery is going to cost more than the amount of cess likely to be recovered, if my figures are correct.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I do not propose to take up much of the time of the House. I support the motion for Select Committee. The Bill was already referred to a Select Committee in the last session when we were here. Now that committee will have an opportunity to discuss things more fully and give their points of view. I certainly support the view which has been expressed by the last speaker Mr. Gwilt that the Government should take into consideration whether it would be advisable or not to levy a cess on the oil entering

3 P.M.

British India from the different States because according to his calculation, it may be a substantial amount in the neighbourhood of six to seven lakhs. At the moment, of course, the incidence of taxation which is proposed is not big enough according to the Honourable Member in charge and I agree with him. The whole question which we have got to examine is whether this cess and the working of this system is in the interest of the growers or not. We have got to give an impetus to the growers and we do not want to subject them to any such taxation, which although the rate may be small, yet the paraphernalia of staff, etc., to which the Government officials have been used to might cause a certain amount of harassment and this may alienate the growers from their impetus for larger production. That is one point which has got to be very seriously considered. My feelings at the moment are that the cess on export should be increased rather than the cess levied on growers to meet the expenses. I also urge that no part of the duty which Government raise as income from that source for the development of which the Government propose to establish this Department should be utilised on the department; on the other hand the general exchequer should be able to bear this paltry sum which it is receiving, about 12 lakhs as contribution for this particular item. There is no reason why the growers should be taxed to any extent. I am not opposing the incidence of tax, but I am opposing the principle of taxation on the growers in this particular state. With these words, I support the motion for referring the Bill to the Select Committee and I would be glad to hear the Government on this issue that we have raised in the House at the moment.

Sri R. Venkatasubba Reddiar (South Arcot *cum* Chingleput: Non-Muhamadan Rural): Sir, I welcome this measure, but not the Bill as it is before the House. This was embodied in the Oil Seeds Committee in 1944 and the idea originated that a special committee for oil seeds is to be constituted and special legislation should be brought before the House. In pursuance of this, this Bill has come before the House. The Honourable Member in charge of the measure has said that the aim is to increase production and to increase the oil contents in the oil seeds. But he does not say whether the increased production or the increase in the oil contents will go to the benefit of the producer. He made no specific or definite statement with regard to that. Increased production of the quantity and oil contents are not always going hand in hand with increased remuneration to the producer of the oil seeds, and on that point I should like to have some explanation from the Honourable Member in charge. I am indebted to my Honourable friend Dr. Deshmukh for having made plain the fact that ground nut which is the main produce of the presidency from which I hail is useful as food. My friend has explained that it contains fat to such an extent that it can be substituted as one of the substances which are necessary to afford the necessary calories for human beings. It is not only that, ground nut serves as food for human beings. It is also of great help to the cultivators, the agriculturists. The cake which is obtained from the ground nuts is used as manure for growing other crops. It is for growing this very same ground nut crop, castor crop, these oil cakes which are obtained from these seeds are used as manure. Even from that point of view this ground nut cultivation ought to be encouraged by the Government.

Now, Sir, about the cess which is sought to be imposed and which has been referred to by previous speakers, it is a common feature that for anything the agriculturist is taxed. He is not only paying land revenue, he is paying so many other cesses. Educational cess at the rate of ten pies or even one anna in several districts of my Province is being collected from him. Road cess is being collected from him. There are so many other cesses, and add to it, now there is a special cess now proposed on every maund of ground nut which is to be crushed in a mill. We know that at the time these cesses are sought to be imposed, the explanation given is that it will not affect the producer. The same thing was said in several provinces when the Sales Tax was levied, that it will not affect the producer, that it will not affect the consumer, but that it will affect only the middleman. Now we know from experience of the working of this

[Sri R. Venkatasubba Reddiar]

measure that it hits the poor man most. It is the poor man that is bearing this burden most. It will eventually be cut down from the price offered to the producer by the miller. So, I suggest that if it is possible, this levy on the crushing industry should be removed and some other means found out to get this fund for the committee. I would have been glad if the Honourable Member had given us the income that he anticipates from this cess, also the amount that is necessary to defray the expenses of this committee which is to function under this Bill. About the constitution, my Honourable friend Prof. Ranga has laid special stress on the representation which is sought to be given to the producers. I join with him in his plea for more representation on behalf of producers. Unless the voice of the producer is heard and he is made to benefit, there is no use passing any number of measures or making all sorts of propaganda because all these efforts, like the grow more food campaign, will fall flat and bound to fail unless the committee and other organisations take it into their head to make the cultivation of any crop paying to the producer. With these words, I support the motion for referring the Bill to the Select Committee.

Sri M. Ananthasayanam Ayyangar: Sir, I am opposed to the very principle of the Bill, and it is for this reason, that an impetus is sought to be given to the export trade of raw materials. That has been our bane. We are now trying to impose additional cess on all oil pressed in the mills in this country, not in private mills but in power mills. That will mean that the export of raw oil seeds would be encouraged in preference to utilising them for various purposes in this country. That is my first objection. My own feeling is that there ought to be no encouragement of any kind to export any of our raw produce except such as are not wanted in this country. And even with respect to jute and other such produce which are commercial and which are paying us large sums of money, I submit that they ought not to be sent in a raw condition but sent in a manufactured form. We have a practical monopoly in this country of oilseeds, jutes and hides and skins and the rest of the world has to depend on us for them. Why should we not improve the industries of this country and provide employment for millions of men who are starving and hungering every day. The same old thing is still continuing and this is another weapon in the hands of foreign persons to exploit our produce in this country. I am therefore quite opposed to this measure in toto.

Another aspect of this question is this. I have my own feeling that we are trying to produce various sorts of things in this country to the prejudice of growth of foodgrains which are absolutely necessary. We are deficient in foodgrains. Rice is too small, and even before the war we had not enough rice in this country and had to import rice from Burma; wheat also was being imported from Australia. In these circumstances what is the object of giving an impetus to the growth of further production of oilseeds in this country to the prejudice of the growth of foodgrains? Oilseeds may be in addition to the food but it can never take the place of foodgrains.

My third objection is this. Coming to the representation that is suggested in this Bill, encouragement ought to be given to start growers' societies in various districts. There must be taluka societies, district societies, provincial organisations and a central apex organisation. Nominations I am dead opposed to. The suggestion was made by the previous conference of oilseed growers as early as 1944. When the Bill was framed thereafter and went to the Select Committee, members wrote minutes of dissent suggesting that various organisations should be brought up and encouraged by Government either by way of co-operative enterprise or individuals must join into organisations so that they may send their representatives instead of representatives being chosen by Government by nomination. That must be insisted on with respect to growers of oilseeds.

Lastly, I submit that on another ground also I do not think that the measure is necessary. If it is intended for the encouragement of research on oilseeds and the growth of a kind of standardisation of oilseeds, I will say that already

there are other institutions for that purpose. The Imperial Council of Agricultural Research is devoted mainly to this policy. There are similar research institutions in various parts of this country. Subsidies may be given from the Government of India. A portion of the money which the taxpayer already pays to the general funds in various shapes and forms may be spent for this, and an extra burden should not be imposed. On that ground also I am opposed to the principle of the Bill. But if there is a general consensus of opinion in its favour I do not want to stand in its way. For everything there is a general tendency to set up a committee, a committee which may consist of 50 persons from all over the country. This committee will swallow up whatever is raised by way of taxation from this cess. I know how these committees work. I have seen members with one foot in Delhi—if this is the meeting place—and another foot in the train. If they come by the morning train they make arrangements to leave by the evening train. In these circumstances this is absolutely unnecessary. No doubt the Honourable Member who has moved it may think that it is a feather in his cap because it is a convention to have various committees formed by the various members on the Treasury Benches. No doubt this will be only another such committee. In any case I submit that instead of imposing a cess a tax should be imposed on exported articles.

Sir, whatever the decision of the House may be, I am personally opposed to the Bill; but if it is referred to a Select Committee I hope these matters will be taken into consideration.

Sardar Sampuran Singh (West Punjab: Sikh): Sir, I am afraid the object of this Bill seems to have been misunderstood to a certain extent. I rather congratulate the Government on bringing forward this Bill because it was very badly needed. The cultivation of oilseeds throughout the country is very haphazard and there has been no improvement either in the matter of seed or in the method of sowing it almost ever since the Agriculture Departments in the various provinces were set up. This is a very neglected sideline of agriculture and it is a crop which brings money to the agriculturist. I will take the analogy of the Central Cotton Committee of India which has done very useful work for the agriculturist. It is mainly due to the research done by that institution that we are having so much of long-staple or at least medium-staple cotton in this country. In the same way if this committee is started it is immaterial whether the money comes from the cess or from the pockets of Government. It is for Government to arrange; and if we can manage to get the money from the pockets of Government, well and good. But that is a question of detail which we can discuss when we discuss the various provisions of the Bill itself. But for the present we must admit that this is a measure which is very much required and it will add to the wealth of the country. We should not postpone it or deal with it in such a way that we take another year or two in passing it through the House. You have seen in the Statement of Objects and Reasons that it has been already pending for one or two years and if we delay it by circulating it for public opinion or for other reasons it will take another year or two again. This is a measure which we should try to adopt as soon as possible because its utility is admitted on all sides. No doubt it is true that there are other things like wheat and rice on which we still require research work; but that does not mean that oilseeds should be neglected.

Sir, I suggest that if the Bill should be sent to Select Committee the report should be submitted at an early date so that the Bill may be passed into law during this session.

Mr. Madandhari Singh (Bihar and Orissa: Landholders): Sir, I am not going to associate myself with my Honourable friend Sardar Sampuran Singh who spoke last on congratulating Government on this Bill. So far as I have considered the Bill I think it is not going to help the agriculturists. What have the Departments of Agriculture done so far to help the agriculturists? So far

[Mr. Madandhari Singh.]

as I know in my own province, the department has done nothing and agriculture is being done in the same way as was done two hundred years ago. They have not been benefited at all by this Department and so I associate my self with my Honourable friend Mr. Ayyangar.

There are two aspects of this Bill. First is the production of oilseeds. When the Agriculture Department has done nothing as yet to improve agriculture, I do not see how this law or this Committee will give relief to the agriculturists. In one way or other this cess is going to be a burden on the agriculturists.

Then, Sir, I find that the Bill is intended to help marketing. I do not understand how marketing can be facilitated when the villages are not connected by roads. For about six months in the year it is very difficult to go to any village; after the monsoon starts right up to November one cannot go to any village. Therefore I think that the agriculturist will not in any way be helped by this Bill. Marketing can be improved only if the Government takes upon itself the task of constructing village roads. I do not understand how they can improve marketing facilities otherwise, and I think it will be a burden on the agriculturist.

In my area, Sir, the rate of canal tax is very high. The agriculturist wants that rate be reduced and it should be reduced. But on the other hand I find that under this Bill the burden on the agriculturist is going to be increased. With these few words, Sir, I associate myself with the remarks made by my Honourable friend, Mr. Ayyangar.

Sir Pheroze Kharegat: I have already accepted the reference to the Select Committee, and so there is perhaps no need for me to say very much. But I would like to make it quite clear that this Committee is definitely going to help the agriculturists of India because, as I explained earlier this morning, by its efforts it will succeed in producing more oilseeds per acre, and that increased production will mean increased income to the agriculturist. Again, it will produce oilseeds which have a higher oil content and we know from experience that manufacturers and traders are prepared to pay a considerably higher price for oilseeds which contain a larger proportion of oil. Therefore from that point of view too the producer will gain by getting a higher price for what he produces and by producing more than what he does at present.

I am sorry my Honourable friend, Mr. Ayyangar, was probably not in the House when I spoke this morning because several of the points that he had raised now had been dealt with by me in my earlier speech. I had explained then that our exports of oilseeds have already dropped from 13½ lakhs of tons to 3½ lakhs of tons and our policy is—it is the accepted policy of Government—to try and reduce these exports to the minimum and, if necessary, only to export the oil rather than the oilseeds. I also made it quite clear that there is no intention whatsoever of competing with foodgrains. The idea is to increase the production per acre and not to increase the acreage under oilseeds.

As regards the method by which the cess is to be levied I take it that will be discussed in detail by the Select Committee and I need not therefore go into the matter at present.

The only point I may make clear here is that the burden of the cess is not going to fall on the producer; particularly if the cess is going to be levied on the oil then there is no reason for supposing that the producer will have to bear most of the burden. How it will be distributed amongst the various interests, I cannot say.

As regards the constitution of the committee, there again the suggestion that there should be a representative of the seed traders association and other such matters, will be gone into, I think, by the Select Committee.

The question of the States is much more difficult because we have no jurisdiction over the States, but what we are hoping is that when the Act is passed,

Hyderabad and the other States which are large producers will levy a corresponding duty which will be made over to the Committee. The main areas concerned are Hyderabad and the Bombay States—i.e. Kathiawar. So far as these States are concerned, they are responsible for more than 90 per cent. of the production in the States.

My Honourable friend, Dr. Deshmukh, suggested that the production should be increased. I have got the figures here before me which show that the production of oilseeds which was 4.1 million tons in 1938-39 has increased to 4.5 million tons already, that is, by 10 per cent. His suggestion that the cake should be used as a food for human beings has been examined by the Nutrition Experts and they have advised against it, though we are aware of the fact that there are certain other experts who consider that this cake, if suitably treated, is suitable as human food. On the other hand, as I have just said, there are others who consider that it is not worthwhile using the cake for human beings. So far as the groundnuts themselves are concerned, everyone agrees that taken in moderation they are an extremely valuable addition to the normal diet.

The other points that were raised about general improvement of agriculture and the construction of roads and so on, I am afraid I cannot deal with, because it will take too long. I could talk for hours on what the Government have done and are doing, but this is perhaps not the time nor the place for that.

I think, Sir, that covers all the points that have been raised.

Mr. Leslie Gwilt: My Honourable friend made no reference to the point which I raised, and I suggest it is important.

Sir Pheroze Kharegat: I thought I said that the point will be looked into after this Bill has been passed, and we will try and prevail on the States to adopt similar measures and introduce a similar cess.

Mr. E. C. Morris (Madras: European): What happened to the funds raised hitherto?

Sir Pheroze Kharegat: Here again it is unfortunate that the Honourable Member was not present this morning when I spoke. I gave a full account of the money that was spent. I think I pointed out that so far as the Cess is concerned, which goes to the Imperial Council, it comes to about 10/12 lakhs a year which has been used on research on rice, on wheat, on millets, on pulses, on oil-seeds, on animal husbandry, on fisheries and so on. A reasonable portion of that amount has been spent in connection with the breeding of better varieties of ground-nuts, of til, of mustard, of linseed, and of safflower. We have also given money which was obtained from H. M. G. as a gift in 1941 or thereabouts. That portion of it which was allotted to the I. C. A. R. has been used for the improvement and storage of ground nuts and for research work on controlling pests and diseases of the various oil-seeds which I have mentioned.

Mr. President: The question is:

"That the Bill be referred to a Select Committee consisting of Pandit Sri Krishna Dutt Paliwal, Mr. Sasanka Sekhar Sanyal, Mr. B. B. Varma, Dr. G. V. Deshmukh, Sjt. B. S. Hiray, Sri R. Venkatasubba Reddiar, Mr. Muhammad Nauman, Nawab Siddique Ali Khan, Mr. Asghar Ali Khan, Mr. Muhammad Rahmat-ullah, Rai Bahadur D. M. Bhattacharyya, Mr. B. C. A. Cook, Sir Pheroze Kharegat, Mr. E. L. C. Gwilt, and the mover, with instructions to report by Monday, the 25th February, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

The Honourable Sir Asoka Roy (Law Member): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

[Sir Asoka Roy.]

The case for the Bill is briefly explained in the Statement of Objects and Reasons. The Bill had its origin in the representation by the Patna High Court to the effect that it was often desirable in the interests of expeditious disposal of work in a Court of Session that a case or appeal made over to an Additional Sessions Judge should be recalled with a view to its being heard by the Sessions Judge or by another Judge of the Court, that in the existing state of the law any such recall involved a reference to the High Court, and much waste of time resulted. Provincial Governments were consulted on the proposal which has been unanimously supported. I may add that the Bombay High Court has expressed the opinion that the amendment should be made at the earliest opportunity. Sir, the Bill is directed to a mere matter of administrative convenience and raises no question of principle. In the circumstances, I hope that the amendments for the circulation of the Bill and for reference thereof to a Select Committee will not be pressed. Sir, I move:

Mr. President: Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

Mr. Sasanka Sekhar Sanyal (Presidency Division Non-Muhammadian Rural): Without moving my amendment, I would ask your indulgence and that of the House to make certain observations directly connected with the principle behind the proposed amendment of the Government.

The Honourable Sir Asoka Roy: I think I made it clear that the Bill involved no question of principle. It was directed to be a mere matter of administrative convenience.

Mr. President: Order, order.

Mr. Sasanka Sekhar Sanyal: Everything involves questions of principle. My objection to the Bill is not in so far as it goes but my objection is that the Government should have seized this opportunity of enlarging the power of transfer within the meaning of Section 528 and instead of giving the very limited powers to the Sessions Judge the Government ought to have vested the Sessions Judge with all the powers of transfer which are given to the Magistrates under Section 528 of the Criminal Procedure Code. Sir, in this connection I would invite your attention to a portion of the opinion given by an eminent lawyer, and that appears Sir, in part of the literature which was circulated by the Legislative Department in another connection. Mr. N. Barwell, an eminent legal practitioner said:

"It cannot be doubted that the effect of such binding decisions would before long drive the Legislature to remove the present grave defect in the Criminal Procedure Code, in consequence of which as it now stands and it is now used, it is probably the world's worst piece of adjectival law."

It is undoubtedly a piece of legislation which has been very much a source of annoyance to litigants and lawyers.

My short point is this. Both on question of principle and on question of expediency, why does not the Government consider the necessity of investing the Sessions Judge with powers of transfer in general as provided for in Section 528, instead of giving the Sessions Judge power of transfer and withdrawal only in respect of those cases which are before the Additional Sessions Judges. That is my straight point. This involves partly a question of principle and partly a question of expediency. As a question of principle, may I invite your attention to Chapter II of the Criminal Procedure Code? In Chapter II of that Code you will be good enough to find that the classification of Courts is sketched and therefore you find that besides the High Court and the Special Courts, there are the different criminal courts. At the top is the Sessions Judge and at the bottom you find the subordinate Magistrates. In between the two there are the

District Magistrates and the Sub-divisional Magistrates. What is the wisdom in giving general powers of transfer as the Court has done only to District Magistrates and Sub-divisional Magistrates and denying that power to a Sessions Judge which is undoubtedly higher in power and status than these subordinate Magistrates. At the top the High Court has general powers transferred under Section 528. That is as it should be. Then, Sir, within the district there is a general power of transfer

Mr. President: Order, order. Though I must admit, not being connected with criminal courts, I do not quite follow the fine distinctions which the Honourable Member is making so far as the subordination of different courts is concerned, it appears to me that the present Bill is restricted only to a small point, and that is that the Sessions Judge and the Additional Sessions Judge being persons practically having concurrent powers, it is not possible for one of them to transfer cases to the other and that is what the Bill seeks to remedy. Am I right there?

The Honourable Sir Asoka Roy: Yes, Sir.

Mr. President: So the scope of the Bill is restricted only to administrative convenience. The other point which the Honourable Member is trying to make out will be a wider point, viz., as to whether the courts should be subordinated to each other and how the powers of transfer may be vested in higher courts. That will be a different issue which, I am afraid, will not come within the scope of the present Bill.

Mr. Sasanka Sekhar Sanyal: Sir, I quite appreciate the observations made by you. To quote yourself, as you said the other day, even when the Bill raises a very restricted issue, yet in order to discuss the merits or demerits of the particular issue, we cannot forget or overlook the necessary and invariable bearing which that particular issue has upon other co-related matters. Even so, I assure you, Sir, that I am not travelling wide in order to drag before the House the various lacunae in the Criminal Procedure Code. I am simply drawing the attention of the House to the unwisdom of bringing the issue in a form which not only does not serve the real purpose but also to a certain extent defeats the very purpose itself. If you will give me a little latitude, even if I go wide of the mark, I would just impress upon the House the point at issue and I want to advise the Honourable the Law Member not to be satisfied with removing a very restricted lacuna when he could have brought in a measure within the very ambit of Sec. 528 which would not only serve the purpose in view but will also give larger relief to law itself. Therefore as a matter of general principle or as a general proposition I was drawing your attention to the fact that at the top there is a higher court which should exercise general powers of transfer, then, Sir, below the District Magistrate and the Sub-Divisional Magistrate exercise powers of transfer. These things are covered by Sections 526 and 528—526 exclusively for High Courts and Sec. 528 for District and Sub-Divisional Magistrate. I would advise the Honourable the Law Member only to add the words Sessions Judge in the place where District Magistrates and Sub-Divisional Magistrates occur in Sec. 528.

Mr. President: I feel that the Honourable Member has sufficiently made out that point. He wishes to bring to the notice of the House and the Honourable the Law Member the desirability of considering the powers of transfer so far as the sessions judges are concerned. Any further discussion now on that point would be beyond the scope of the present Bill.

Mr. Sansanka Sekhar Sanyal: Not merely on a question of general principle or proposition but also on a question of prudence and expediency, without going into the larger question of Criminal justice or the larger question of the separation of the judiciary from the Executive I will just state only one point and that is this. Always there should be a power given to the sessions judge which will enable him to exercise general powers of supervision upon the magistrates. You know, Sir, that our magistrates are executive judges

Mr. President: I am afraid the Honourable Member is going into a very wide field. He has brought to the notice of the House, the desirability of considering the question in its wider aspects and any further discussion now on that question will be, I think, outside the scope of the present Bill.

Mr. Sasanka Sekhar Sanyal: Sir, will I be permitted on the third reading of the Bill

Mr. President: What is beyond the scope of the Bill in the first reading is equally beyond the scope of the Bill in its third reading.

Mr. Sasanka Sekhar Sanyal: I understand your difficulty, Sir, but I hope you will also understand my difficulty. I will not embarrass the House or myself but one thing I would request the Honourable the Law Member to do and that is not to be satisfied with the small amendment now proposed. Let him go ahead, give larger powers to the sessions judge for transfer, because that will serve the cause of justice. If the sessions judge has general power of transfer the subordinate courts which are more or less of an executive nature, will always feel that the more judicial judge will interfere with the vagaries of justice and the litigants

Mr. President: Order, order. I do not think I can permit the Honourable Member to go into that aspect of the matter. He has sufficiently said about it. Has he any other point with reference to this Bill?

Mr. Sasanka Sekhar Sanyal: No, Sir.

Sri T. V. Satakopachari (Tanjore *cum* Trich'nopoly: Non-Muhammadan Rural): Sir, I would like to have from the Honourable the Law Member an explanation or some satisfactory reason for adding to his amendment these words:

"At any time before the trial of the case or the hearing of the appeal has commenced before the Additional Sessions Judge."

Those words are superfluous in this respect. You will find that in Sec. 528 all the clauses commence by saying any Sessions Judge may withdraw, any Chief Presidency Magistrate, etc., etc., can withdraw or recall, Provincial Governments may authorise district magistrates

Mr. President: May I point out to the Honourable Member that he will have an opportunity of bringing these points into discussion when we come to clause-by-clause reading stage.

The Honourable Sir Asoka Roy: Sir, I might answer my Honourable friend's point immediately. If he had read the Statement of Objects and Reasons he would have seen that it is made clear that Additional Sessions Judges are not judicially subordinate to the Sessions Judge and that is why it is provided that the recall of the case should take place only before the trial of the case or the hearing of the appeal has commenced before the Additional Sessions Judge. That is the idea.

With regard to my friend Mr. Sanyal's point I would only emphasise that this Bill is directed to the purely administrative function of distributing work, that is to say, where the Sessions Judge finds that for some reason or other the day's work in his file or that of an Additional Sessions Judge has fallen through, while another Additional Sessions Judge has more work than he can cope with expeditiously, it will permit the Sessions Judge to recall to his file (for hearing by himself or another judge by re-transfer) a Sessions case or Criminal appeal, the hearing of which has not yet commenced. The idea of adding those words was to make it quite clear that the Additional Sessions Judge will not be made subordinate to the Sessions Judge and that the Sessions Judge's powers were limited. The power of recall or transfer could only be exercised before the actual hearing started.

As regards my friend Mr. Sanyal's suggestions, I shall examine them with care and consider what action, if any, can be taken.

Mr. President: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Asoka Roy: Sir, I move:

"That the Bill be passed."

Mr. President: Motion moved:

"That the Bill be passed."

Mr. Sasanka Sekhar Sanyal: Sir, without inflicting a speech in this matter, since the Honourable the Law Member has said that he will consider the ideas expressed by me, I have only to request him to look into the matter at an early date, because being occupied with the administration of criminal law in the interior of the country, my idea is that the entire Criminal Procedure Code requires general overhaul; and the points raised will, I hope, receive the early attention of the Government so that some relief can be available to the litigant public.

Mr. President: The question is:

"That the Bill be passed."

The motion was adopted.

INSURANCE (AMENDMENT) BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Sir Asoka Roy (Law Member): Sir, I present the report of the Select Committee on the Bill further to amend the Insurance Act, 1938.

CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL

The Honourable Sir Asoka Roy (Law Member): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Second Amendment), be taken into consideration."

The genesis of the Bill is explained in the statement of objects and reasons. I have only to add that Provincial Governments and High Courts were consulted on the expediency of undertaking legislation in pursuance of the lead given by their lordships of the Judicial Committee, and that the proposal has received unanimous support. I should have thought myself that this was a Bill which can give rise to no controversy and I hope that the amendment for circulation will not be pressed. I find on the paper there is an amendment to be moved by Sir, George Spence, which is intended to provide for a case which has been dealt with by the Federal Court on appeal from a High Court. The amendment fills up a lacuna in the Bill and is acceptable to me. Sir, I move.

Mr. President: Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Second Amendment), be taken into consideration."

Mr. Sasanka Sekhar Sanyal (Presidency Division: Non-Muhammadan Rural): Sir, I will not move my amendment, but with your permission I will just bring one matter to the attention of the Law Member for such relief as he can bring in this matter at an early date. The question relates to the case of an appeal which was considered by their lordships of the Privy Council and so far as the Honourable the Law Member has attempted to fall in line with their observations, I have nothing to say by way of objection. But may I remind the Honourable the Law Member that the statutory provisions of bail are defeated even by the courts themselves and we have to guard ourselves against that? Even last year there was an Amendment Act by this House and there section 426, relating to bail, was amended by section 3 of Act II of 1945: it was there laid down that when any person other than the person accused of a non-bailable offence is sentenced to imprisonment by a court and an appeal lies from that sentence, the very court sentencing him may give him bail forthwith. That is a very welcome provision because in ordinary cases of sentence of imprisonment it

[Mr. Sasanka Sekhar Sanyal]

is not desirable that the man should have to go to jail and then be given bail. But do you know how the courts defeat the legislature? The courts give a sentence of imprisonment and an additional sentence of ten rupees fine and then the law says that bail is not available because this legislature has laid down that when a person accused of a non-bailable offence is sentenced to imprisonment by a court, imprisonment is one thing and imprisonment plus fine is another. Therefore the convicting court which was allowed to give bail to an accused who has been sentenced to imprisonment cannot give bail if there is a sentence of bail plus fine. That is how the purpose of the legislature is defeated.

To illustrate it by another example. My honourable friend would consider the provisions of section 388 of the Criminal Procedure Code: there it lays down that when there is a sentence of fine, instead of issuing warrant or giving an alternative sentence of imprisonment the court could give time for payment of the fine. But it is very well known that die-hard courts do inflict a sentence of imprisonment and fine; and so far as the sentence of imprisonment is concerned, if it is for one day, before bail can be had from the district magistrate it is usually turned down; and so far as the question of fine is concerned the law does not apply because it was a case where there was a sentence of fine and imprisonment; but it could not be applied and when there is both, on this principle this section which was introduced into the law last year has been flagrantly flouted in many places. I am speaking from my own experience as a humble lawyer in the interior of the country. I would again ask the Honourable the Law Member to take a comprehensive view of the Criminal Procedure Code: it is a very badly administered law, and the bad and reactionary courts have made it worse. Therefore something should be done to remedy this.

Mr. President: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Second Amendment), be taken into consideration."

The motion was adopted.

Mr. President: Clause 2.

Sir George Spence (Secretary, Legislative Department): Sir, I move:

"That in clause 2 of the Bill in the proposed new sub-section (2B) after the word 'maintained' the following be inserted, namely:

'or has been granted leave to appeal to His Majesty in Council against an order of the Federal Court on an appeal from the High Court involving the imposition or maintenance of a sentence'."

The Honourable the Law Member has already indicated the purpose of this amendment and I do not think I need say anything further. I move.

Mr. President: The question is:

"That in clause 2 of the Bill in the proposed new sub-section (2B) after the word 'maintained' the following be inserted, namely:

'or has been granted leave to appeal to His Majesty in Council against an order of the Federal Court on an appeal from the High Court involving the imposition or maintenance of a sentence'."

The motion was adopted.

Mr. President: The question is:

"That clause 2, as amended stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause I was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Asoka Roy: Sir, I move:

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

Mr. President: The question is:

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

The motion was adopted.

MOTION FOR ADJOURNMENT

INDISCRIMINATE ARREST OF MUSLIM LEAGUE WORKERS AND OTHER DEMONSTRATORS AND WANTON USE OF HANDCUFFS AND CHAINS BY THE DELHI POLICE

The Honourable Sir John Thorne (Home Member): I understood you expected me to make a statement at this stage on what has happened in this case.

I have made inquiries and I find that the 37 people who were arrested have been chalaned, as the local phrase goes, in the court of the Additional 4 P.M. District Magistrate. He has taken cognizance of the cases. For his own convenience I gather he has classified them into seven cases and has issued processes and the hearings will begin almost at once. So that, there is no doubt whatever that the cases are *sub judice* and my submission is that no part of this adjournment motion is, in the circumstances, admissible. This morning, I understood you to state the view that if the cases have been taken on the file by a magistrate, the first part of this adjournment referring to the indiscriminate arrest of these people was inadmissible. I am not so clear as to the view you took about the admissibility of the second part of the motion which refers to the wanton use of handcuffs and chains by the Delhi Police but I submit that it would be impossible to go into that part of the motion without prejudicing the cases which have now been taken on file. It will be my argument that the use of handcuffs—no chains were used—was a matter which was obligatory on the Police officers who effected these arrests because the arrested persons by reason of their behaviour and some of them by reason of their character fell within certain categories of a certain police rule. I should be very unwilling indeed to describe the circumstances which bring these people within the wording of this particular police rule which enjoins the use of handcuffs by the police officers who arrested them. I submit therefore that the second part of the motion equally with the first cannot be discussed without prejudice to the cases that have been filed.

Sir Mohammad Yamin Khan (Agra Division: Muhammadan Rural): With regard to the cases that have gone to the Court, does the Honourable Member mean that the chalan has been filed and the Court has taken cognizance under certain section and the court has issued processes for the witnesses to come or is it merely that the case has gone to the Court in order to ask for remand, because remand is applied for only when the case is with the police and they want further time for investigation and they are not sure about the offence having been committed? The grant of remand is absolutely different from the Court becoming cognisant of the case. It is only when the police places the case before the Magistrate in order to show that the arrested persons are guilty on account of the evidence that the police have got in their possession that the case becomes *sub judice*.

The next point I would like the Honourable Member to make clear is what section does he say authorises the handcuffing of people.

Mr. President: We may take that point subsequently.

Nawabzada Liaquat Ali Khan (Meerut Division: Muhammadan Rural): It would be convenient if the Honourable the Home Member told us what are the charges against these persons and under what provisions of the law these gentlemen have been chalaned.

The Honourable Sir John Thorne: I thought I had made it clear that the circumstances are those which my Honourable friend Sir Muhammad Yamin Khan mentioned as the first category. That is to say, these cases have been taken on file. The magistrate has taken cognizance of them and he has given them certain numbers 14/3 to 20/3. He has issued processes for the hearing of the witnesses and the hearing will begin at once. I submit there is no doubt at all on that. It is not a matter of putting the arrested persons up for remand. They are now before the Court for trial.

As regards my friend the Nawabzada's question, I understand that the charge is under the Defence of India Rule 56 (3) which provides a penalty for action contrary to the substantive part of the rule which requires that processions should not be taken out except in certain circumstances.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I want to say that the case as yet could not be said to be *sub-judice*. The police have no evidence. The Police are still in the process of manufacturing evidence. They do not know

Mr. President: Order, order.

Mr. M. Asaf Ali (Delhi: General): I am only concerned with the last part of the adjournment motion. I recognise that if these cases have been taken cognisance of by, I think, the Additional District Magistrate

Mr. President: I should like to have one or two points made clear. So far as the cases are said to be *sub-judice*, I have no doubt in my mind that they are *sub-judice*. Now, the other position is as regards the behaviour of the police in handcuffing and putting chains. That is what the Adjournment Motion says. As the Honourable Member has explained the only question that remains is handcuffing. I appreciate the delicacy of the discussion, but the question is, whatever the police rule may be, the House is entitled to discuss whether it is desirable in cases of this type that the police should handcuff people. That would be the principal issue and to my mind it is an important issue. For that purpose, it is not necessary to refer to this particular case of particular individuals, but it can be generally discussed as to whether in similar circumstances where there is a defiance of a particular order under Rule 56 (3), whether handcuffing and chaining is a proper thing or not. That seems to me to be an important matter. I do realise the delicacy of it. The effect of the whole thing will be that the scope of discussion will be limited only to this aspect and to no other. Has Honourable Member Mr. Nauman got to say anything?

Mr. Muhammad Nauman: I was just saying that I saw them myself with chains and handcuffs. So, if the police has made any report to the contrary it is a lie.

Sir Mohammad Yamin Khan: That has been admitted.

Mr. President: I have made the position of the Chair very clear. Has the Honourable the Home Member got to say anything else?

The Honourable Sir John Thorne: I understood you, Sir, to have admitted the second part of the Motion, and on the point of admissibility, I think I am barred from saying any further. But I am afraid that the matter is not quite so simple as you suggest. The question is not whether some one who offends against sub rule (3) of Rule 56 can be handcuffed or not, but whether a person who behaves in a certain manner after arrest and in certain circumstances can be handcuffed. My fear still is that I may not be able to say what I ought to say on that point without prejudice to the trial of these accused. The police rule which I shall have to quote refers to certain circumstances and certain behaviour. It would normally be my duty to show that the arrested persons fell within the description given in the police rules, and that cannot be done without referring to matters which I should ordinarily be unwilling to refer to with the hearing of the case impending. That is my point, Sir. It is not a question whether people who offend against certain Defence of India Rules should on arrest be handcuffed or not, the question is whether people who after arrest behave in a certain manner with also certain circumstances existing in the immediate environment whether they can be handcuffed or not.

Mr. M. Asaf Ali: That is the allegation.

Mr. President: As I understand the situation, the motion is now principally about handcuffing and the behaviour of the accused prior to the handcuffing. That is not going to be a matter of decision by the court, though I quite appreciate that, it may have some relevancy with reference to the sentence which the court may have in mind. It may be remotely relevant, but this matter of handcuffing practically brings before the House, to my mind, the very rule which gives the police that power and the discussion will be as regards the desirability of having such a rule; whether such a rule applies or does not apply in an individual case will be a different matter. Now that there is an opportunity, it is

better that the House expresses its opinion over this. That is how I look at the proposition. The whole thing is one transaction and therefore, really speaking, I did not divide the motion into one or two parts, though in the morning I said "the second part", but I also said "matter of this motion was one transaction". The fact that there are judicial proceedings instituted restricts the scope of the adjournment motion very much.

Mr. Muhammad Nauman: Sir, I move:

"That the Assembly do now adjourn."

Sir, I think Honourable Members are in possession of facts about arrests and I am not going to make any point with regard to them. Information was received by my Party at about 1-30 P.M. yesterday. I went to the *Kotwali* myself to get facts and information. I saw the D. S. P. and wanted to know certain facts.

Mr. President: I would suggest to the Honourable the Home Member to quote the rule so that the House will be in a better position to follow the debate and the arguments also will be more to the point.

The Honourable Sir John Thorne: The Rule is Rule 26(22) of the Punjab Police Rules which are in force in the Delhi Province. I will read the relevant portions.

The marginal note is "conditions in which handcuffs are to be used". The rule reads as follows:

"Every male person falling within the following categories who is to be escorted in police custody and whether under police arrest, remand or trial shall, provided that he appears to be in health and not incapable of offering effective resistance by reason of age be carefully handcuffed on arrest and before removal from any building from which he may be taken after arrest."

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

Then follows six categories. I am not concerned with (a) to (d). They are not relevant to the present case. Then follows (e). These are persons who under the rule have to be carefully handcuffed. The police officer has no option.

"(e) Persons who are violent, disorderly or obstructive or acting in a manner calculated to provoke popular demonstration.

(f) Persons who are likely to attempt to escape or to commit suicide or to be the object of an attempt at rescue. This rule shall apply whether the prisoners are escorted by road or in a vehicle."

Mr. Muhammad Nauman: Sir, we have now seen the Honourable the Home Member quoting the Punjab police rules. I will only give the House the condition in which I saw these men so arrested and the House can very well judge the circumstances which would at all justify same. Allegations were made that certain processions were taken on 11th and these arrests were made at the residences of those people on the 12th February. All of them are respectable gentlemen holding some responsible position in the League organisation and other public organisations of the country. They did not offer any resistance whatsoever at the time of arrest. In spite of the fact they were willing prisoners, they were handcuffed for the purpose of humiliation. Not only that the police lorry was paraded from one street to another, but rather exhibited everywhere. First of all they were taken to the *Kotwali* and then they were sent to jail by such routes as they thought the procession had passed. This is the position. I saw the D. S. P. of the City and I wanted to know under what rules they were arrested and under whose orders. He said the orders were official and could not be disclosed. I wanted to question these arrested persons whether they had offered resistance and wanted to know from the D. S. P. whether I could meet them; but he told me a lie and said that there was no one in the *Kotwali* then. As soon as I came out of his room next minute I found nine of them coming out of a lorry. Of course I did not speak to them because I thought it might not be liked by the police officer in charge and I did not like to violate any of his methods at that stage. I met many Mussalmans

[Mr. Muhammad Nauman]

outside from whom I made inquiries into the conditions of arrests. They were eye-witnesses to these arrests and I was told by them that no resistance was offered by any one and there could have been no occasion for resistance. They were not arrested in the procession and there was no question of any excitement being created in the public. The police approached them and said they were under arrest and they quietly came in. I was told by those eye-witness that they were not even permitted to go and put on their coats but were told to come as they were dressed. So I will say that the police report that the Home Member has received is false in material facts and there was no question of resistance by any one of them. The D. S. P. did not even give me the approximate number of men arrested till afternoon of yesterday. We do not even know whether today the arrests are being continued. According to the story as given by Government or the police they have been challaned under some section for having taken out a procession on the 11th. But after 24 hours there was an after thought and now they have been arrested and a number of cases are pending against them. I do not want to say anything on the merit of those cases but the House will judge whether there could have been any occasion for resistance when police officers went to them and said that they were under arrest. There was no attempt to escape or make demonstrations which would justify their being put in handcuffs or in chains as the police rules provided according to the Home Member. The Honourable the Home Member said that the police report is that they were not in chains. I myself saw nine of them in handcuffs and in chains. So either the police have told a lie or I am giving a wrong story to the House. This will have to be judged by the House only. Not only that, but the D. S. P. was requested to remove these handcuffs and chains after they were brought at Kotwali, but he refused to do so and said these arrested men would have to be like that till they were received in the jail. Of course he said that to others, not to me because I did not make that request, knowing the attitude of the police in India. Among those arrested are people of standing,—the Secretary of the Provincial Muslim League of Delhi, the President of the Delhi Cloth and General Merchants' Associations and other persons who are respected by the public and who cannot be expected to behave in an unruly manner so as to warrant the use of handcuffs and chains. Of course the police have been trained like that and perhaps they cannot distinguish between an unruly and a respectable person. I censure the Government here for training the police to behave in this manner to a public whose servants they are. There is indignation in the country, and particularly in this city, against the methods used by the police and the way in which these people have been humiliated is simply disgraceful. Sir, without referring to the merits of the case I will say that according to the police authorities themselves they took out a procession on the 11th February 1946.

Mr. Deputy President: The Honourable Member need not go into the merits.

Mr. Muhammad Nauman: I censure Government for the cruel and humiliating methods adopted by the police in arresting these respectable persons against whom nothing has so far been known. And the Home Member could not even explain the circumstances in which these people were handcuffed and chained. We are not in possession of the full facts and do not know whether these arrests are still continuing or not. We do not know what the orders of Government are and I hope the Home Member will give us the full picture. These particular cases may be *sub-judice* if they have been brought before a magistrate but if the process of arrests is continuing then the others cannot be *sub-judice*, and I protest against the action of Government in arresting these people. Sir, I move.

Mr. Deputy President: Motion moved:

"That the Assembly do now adjourn."

Mr. M. Asaf Ali: Sir, it is not without great reluctance that I rise to participate in this debate. My reluctance is due to the fact that the scope of the adjournment motion has been reduced to the very minimum, and the subject before the House now is the behaviour of the police in this particular instance, in so far as they handcuffed certain persons whom they took into custody. I should have liked this subject to have been a little wider than that for my purpose today so that I might have gone into not merely the behaviour of the Delhi police on this particular occasion but into the entire mentality of the police in Delhi and elsewhere not only on this but on similar occasions; and I may have had something to say about the manner in which the police treats those who feed, clothe and maintain them for the purpose of maintaining order and not for the purpose of creating disorder. It is my definite conviction that the police in this country, so far from being concerned with maintaining law and order for the citizens and in the interest of the citizens, generally provoke disorder. They create disorder and they behave in a manner which leads to provocation. This is what happens everywhere. It is not only Delhi that we are thinking of; we are thinking of the behaviour of the police all over the country. We know what is happening all over India. They make up their mind and say you shall not pass across this boundary. Dalhousie Square—I am illustrating only—is sacrosanct; all processions can pass all over Calcutta, but they shall not enter the sacred precincts of Dalhousie Square. I ask why should there be any such lines and boundaries drawn by the police and the people prevented from using public roads, people for whom those roads are meant, people whose money has gone to the building of those roads and who are entitled to the use of these roads? Why should they be prevented from proceeding in a particular direction? I give it to you as a sort of illustration, Sir: Outside this very House for days together people were demonstrating, they were shouting, they were angry. Well, all of us were cheerful about it, we walked through them, the crowds were there, they were standing all the time, they made room for you to pass through. Did anything happen? No. Because the police knew that all this was happening right under our nose and if they misbehaved their misbehaviour would be noted, but when the same thing happens elsewhere away from our eyes, when we were not there, the police knew how to misbehave, so that a situation may be created and they may get the credit for maintaining law and order. That is what they have done. I condemn it. I condemn it not merely in Delhi, but I condemn it everywhere.

As for the attitude of the Delhi Police, I hope the House will not call upon me to give a resume of my views on the subject. I have dealt with them for the last 35 years and they have dealt with me for the last 35 years. We know each other full well. I know how their mind works. All I can say about it is that occasionally they are very decent and we have to be thankful to them for exercising great restraint on occasions which give them great provocation. On occasions like this they may have resorted to even more severe methods. You should be thankful that they did not shoot these people. You are talking of handcuffing etc.; we should be grateful that a situation was not created when these people might have been attacked with *lathis* and worse things might have followed. They could have done that. I am perfectly certain that if we were not meeting here, some such events might have happened. I can conceive that these happenings are not entirely beyond possibility.

But, Sir, confining myself to this particular instance, I should just like to ask one question of the Honourable the Home Member: May I know why the Defence of India Rules are being applied to the present situation? When a procession was taken out without securing the permission of the appropriate authorities, it should have been dealt with in the ordinary way. Where do the Defence of India Rules come in?

The Honourable Sir John Thorne: On a point of order. What the Honourable Member is now saying, is this within the scope which was permitted by the Honourable the President?

Mr. Deputy President: The Honourable Member is giving an illustration to show why the Police handcuffed these people. He is only building up his argument on those lines. I am watching very carefully.

Mr. M. Asaf Ali: I may very respectfully submit to you, Sir, that I was perfectly within order inasmuch as I was trying to show that the very cause for handcuffing could not possibly have arisen if the Police had not misbehaved. By misbehaving they made use of the law which ought never to have been brought out of their armoury, a law which should be treated as obsolete. This was intended for war time; this is not intended for peacetime. They apply a wrong section; they make use of a wrong weapon and then they say 'well, under the circumstances these people were guilty of offences in respect of which perhaps bail could not be granted, or some such thing might be said, and therefore we had to deal with them in a particular way'. I say this was no such occasion. The utmost that the Police should have done under the circumstances should have been to leave notices with them, summons with them, that they should appear before a certain Magistrate on a certain day, and left them at that. They need not have done anything else.

Now, allow me, Sir, to read out the particular part of the provision of the Rules, the Punjab rules—it is very unfortunate that we are still subject to rules made in the Punjab; we have no rules of our own—on which the Police rely. I believe they rely in this particular case—on the rule which I am now going to read:

"Every male person falling within the following categories, who has to be escorted in police custody, and whether under police arrest, remand or trial, shall, provided that he appears to be in health and not incapable of offering effective resistance by reason of age, be carefully handcuffed on arrest and before removal from any building from which he may be taken after arrest. . . ."

Under what circumstances? Under the following circumstances:

"Persons who are violent, disorderly, or obstructive, or acting in a manner calculated to provoke popular demonstration."

Mr. Nauman has given a description of the persons who were handcuffed. He has only referred to them. Unfortunately I have not got their names before me but if he had mentioned their names I am sure I would have known them. Persons whose names have appeared in the press are well known to me and I can say definitely that none of those who are mentioned in the press could possibly have acted in a manner which would have merited the kind of attitude which the Police adopted towards them. If they did, it would be a most surprising thing to me. I cannot imagine the Secretary of the League, I cannot imagine the Secretary of the Communist Party—I have known him for years, together—and I cannot imagine those respectable persons to whom reference has been made by Mr. Nauman, to have acted in a manner which might have merited that kind of treatment by the Police. The Police are a very nice people, they can be extremely nice even to these people next day, and they will say that they were working under instructions which were given to them. When they meet them, they will say 'we are only servants; it is only for the sake of our belly that we do all these things; when we are asked to misbehave, we misbehave. If we are ordered to behave we behave.' Well, that is why I say I condemn those who issue instructions to them to behave in such a manner that instead of maintaining order they may lead to disorder, because having behaved in that manner, they have led to a situation which has called for a protest. This protest may grow. There may be more demonstrations. There may be lathi charges. There may be shooting. You never know. Is that the way to maintain law and order? The whole system is rotten to the core. It should be revised and until it is not revised it must be condemned.

Sgt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): I rise to support the adjournment motion moved by my friend the Honourable Mr. Nauman. I do not know whether Mr. Nauman had any experience of being chained or handcuffed. I have, on more than two occasions. Therefore I have

a right to participate in this debate and more particularly because I was handcuffed just a few yards from this very Assembly building. In 1932 when I was here to make preparations for the special session of the Indian National Congress, I was arrested, handcuffed and made to walk from Kingsway right up to the police station in Parliament Street. I was challaned for being a vagrant. I was paying a decent amount of income-tax. I am, as I was then, a law graduate of the Bombay University. By no stretch of imagination could I be accused of vagrancy. Further, I was pledged to non-violence and I am sure that nobody will accuse me of ever being violent either in my words or action and yet I was handcuffed. I know, Sir, this handcuffing and chaining business is reserved by the police for those who are respectable according to us, those who are patriotic, those who stand up to their self-respect and refuse to be bowed down. Such people are rewarded by handcuffs and chains. Those who want to break the chains of slavery are bound to be chained by this Government. I know certain limits have been imposed on the discussion of this motion. If the Government had not reduced to seven years the sentence of transportation in the case of Capt. Rashid and had released him straight away, there would have been no occasion for demonstrations or processions. If there had been no procession there would have been no breach of Rule 54, and if there had been no breach, there would have been no arrest and no handcuffing. *An Honourable Member*: "And no adjournment motion." But I suspect, Sir, that there is some plan in creating trouble all over this country.

The Honourable Sir John Thorne: Quite possibly!

Sjt. N. V. Gadgil: It is not in Delhi alone that such things have happened. It has occurred in Calcutta and tomorrow it may be at Lahore or in any other town.

Mr. M. Asaf Ali: Be careful. Don't tip them!

Sjt. N. V. Gadgil: The point is that all over the provinces the bans against processions and meetings have been removed. In Delhi the ban still continues. I am of that opinion that there are limits to obedience. There are dangers of obedience. If the law has not the general consent of the public and is entirely executed and administered on the strength of arbitrary and coercive powers the Government has, it ceases to have any validity for those against whose opinion and consent it is administered. I therefore consider this banning in Delhi as a challenge to every young man in Delhi and if they went against it all honour to them. After all the king's highway is not the private property of the Government. The public road is a public road and every citizen has a right to use it in such a manner as not to interfere with a similar exercise of rights by other individuals.

It is admitted that on the 11th whatever demonstrations or processions were undertaken passed off peacefully. Nobody was arrested. It cannot be said that they were violent then. The whole thing passed off quietly and in a non-violent manner. If there had been any violence, I am sure there would have been some justification for arrests on the spot, perhaps some justification for handcuffing some of them. But when you agree that nothing happened on the 11th, the day on which the procession and the demonstration took place, where was the necessity for the Government to drag some of them from their houses—that is the information supplied to me.

Mr. Muhammad Nauman: All of them.

Sjt. N. V. Gadgil: The Government, if it was wise in not taking action on the 11th, where was the wisdom on the next day? They could have served them with summons and asked them to appear in a Court of law to answer such charges as the Government in its wisdom framed against them. I submit it was a deliberate attempt to create such an atmosphere that it would ultimately lead to some more demonstrations, some more provocation so that there may be

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firing and the problem of feeding many mouths may be solved to some extent. I do not know whether the Food Department is actually co-operating with the Home Department. "Bullets for brickbats": that seems to be the slogan. The maintenance of law and order means the maintenance of the British Rule. Law means salaaming every European official whom you may meet in the streets, and order means never ask for anything, be satisfied with what you have and what you have not. That seems to be the connotation of law and order with the present Government. We have a different notion of law and order. We have a different philosophy of law; for I maintain that the law gets its validity from its general acceptance by the public. If I did not consent to this law, I have every right to disobey it, otherwise I am not true to my inner self. I therefore justify the breaking of this ban by the students. I cannot justify this Government for not taking action on the 11th if it was necessary but taking it on the 12th. They have been doubly guilty. Unless there is something behind it, there is no explanation for this conduct of the Government. I therefore submit that this handcuffing business, this chaining business was deliberately indulged in in order to create provocation. Where was the necessity for these people being taken from street to street instead of taking them straight from the Kotwali to the Delhi Jail where I was for a few weeks. I know the road very well. It goes straight from *police chowki* to the Delhi District Jail. Where was this necessity unless the intention was that the crowds should see them, that the crowds should be provoked and some of the bullets may be used.

So, Mr. Deputy President, I suspect a great design behind all this. It is not merely a matter of handcuffing and chaining. I therefore support the motion for adjournment.

Sir Hassan Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, the Deputy Leader of the Congress Party and Mr. Gadgil have very clearly set out salient aspects of this matter and I do not think we need go over the same. But I would like the Honourable Member sitting on the Treasury Benches to realise one thing. Why is it that there is this unrest, this bad blood throughout the country. We Indians are law-abiding people. We are as much disgusted with lawlessness as those who are now in charge of law and order. What is the cause of it all? Supposing I see a person who is struggling for his breath and his face is livid and I want to hold him down and give him symptomatic treatment, I am not then a good physician. A good physician should go to the cause, and remove it only then will all the symptoms disappear. What is the cause of all these outbursts, in Bombay, in Calcutta, in Delhi and other places? It is an unmistakable sign that Government such as it is today—by whatever name you may call it—has lost its prestige in the eyes of the people and they want to establish it by terrorising people. The Defence of India Act is brought in operation not against the enemies of India but against Indians themselves. Is it a peace-time law? Has the Indian Penal Code absolutely become a dead letter? Are you unable to treat the situation by ordinary means that you have to take shelter behind such an extraordinary law? If Government think that terrorism and brutality are going to serve the purpose of keeping law and order in this country or make people respect law and order, Sir, I say that they are very much mistaken. I admire the British system of Government, which have brought here a lot of good things, in the sphere of education (however defective, or bad though it may be) and also in the sphere of public health. But you do not get the thanks for it because you always do things in such a way that you look like bad physicians, bad psychologists. You do not understand that manacling, handcuffing, brutality, taking people through the streets handcuffed and humiliating them, provoking people, then shooting them down, are not the methods which are going to help you maintain law and order. I do not remember that I have seen—may be in Ireland I saw once handcuffed people—I have never seen handcuffed people in London

Mr. Satya Narayan Sinha (Darbhanga *cum* Saran: Non-Muhammadan): On a point of order, Sir, is the Honourable the Home Member entitled to read newspapers during the course of the debate?

Mr. Deputy President: Not unless the Honourable Member is reading something connected with the motion under discussion.

Sir Hassan Suhrawardy: The Honourable Member seems not to care for what the Indian people's representatives say. They say what does it matter we will do as we have done before. I would very much request the Honourable the Home Member to twist the tail of those people who have erred on the side of vehemence and brutality about punishing which we heard such a lot from Mr. Mason. Now when they have the option of treating a situation with patience and understanding, they treat it with brutality. There can be discrimination even in the application of a brutal law. Who gave that order. People were arrested in their homes and were not even allowed to put on their coats: they were taken not by the short route (which Mr. Gadgil knows so well) from the *Kotwali* to the place of lockup. Nay, they were paraded through the streets, thus humiliating the Indians thereby proving that Government is all-powerful. A Government which is puffed with pride of power is bound to come to grief. What happened, Sir, not so long ago to the *Feuhrer* of Germany, who puffed up with pride and insolence tried to ride roughshod over other people? Today the whole world is in trouble, because the poor people are not treated with common human justice and common humanity. Sir these unarmed people in Delhi gave vent to their feelings. Next day you go and catch them. You bring the old Defence of India Act Section 56 sub-rule 3 or 4 and then humiliate them. This is a thing which should not be done by the British Government, who have always told us that they had brought *adalat* into the country. They say that they have brought *adalat*, or even justice with no discrimination. If that is so, may I ask the Honourable the Law Member what sort of *adalat* is this, that you bring an extraordinary military law from your armoury to fight these poor people? You are simply provoking people. I once again ask the Honourable the Home Member and the Defence Secretary and every other Member sitting on the Treasury Benches (I know some of them are persons of great personal charm) that they will do the best they can to put a stop to this exercise of brute force, and go to the root cause of all this trouble. Let them try to find out why there is so much unrest in the country, why there is so much bad blood in the country, why this Government is getting such a bad name. I would ask them to treat people with humanity, treat people with consideration understanding human psychology and then you will be where you ought to be

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): In England!

Sir Hassan Suhrawardy: If you are prepared to quit India as you say, do not leave us with a bad taste in our mouths.

Mr. Nagendranath Mukhopadhyay (Calcutta Suburbs: Non-Muhammadan Urban): Sir just one word. My submission is that I suspect the true policy behind the Government's conduct. Mahatma Gandhi has led the nation to non-violence and if people remained non-violent they do not know how to manage it. Whenever they repress non-violent soldiers after sometime they find that they become more vigorous and more powerful. They do not know how to deal with these non-violent soldiers but they know one thing. They know how to deal with violence and so these people by holding the I.N.A. trials by goading these young men to violence they are trying to bring out violence, so that they can deal with it in their way. That is the object with which the Government proceeds. These young men came out of their schools to express their dissatisfaction with the judgment passed upon Rashid Ali. I foresee that after a few days Rashid Ali will be let free and released. There is no doubt about that

Mr. Deputy President: The Honourable Member must confine himself to handcuffing.

Mr. Nagendranath Mukhopadhyay: I submit that the policy of the Government is suspicious. In order to goad the nation to violence they have been following this policy.

The Honourable Sir John Thorne: Sir, I must first make it clear that I was not guilty of the implication of discourtesy which was made against me just now. I was not reading this newspaper with the object of showing indifference to what was going on in the House. On the contrary, being a person of difficult speech and slow mind, I was attempting to familiarise myself with some passages in this paper, which at an appropriate moment I would quote.

Well, Sir, I am afraid I shall bore the House, because coming after some of these exciting and excited speeches I shall confine myself to mere rule and fact and I shall do my best to keep within the very limited scope which has been allowed to the motion. The wording of this part of the motion refers to "the wanton use of handcuffs and chains by the Delhi Police". Now, I understood

5 P.M. my friend Mr. Nauman to make a distinction between handcuffs and chains—there were handcuffs and there were also chains. I should have liked a further explanation of that. I do not think I have ever worn handcuffs myself, but my impression is that there is a cuff on each wrist and there is a chain connecting the two cuffs. If my friend was speaking only of the chain connecting the two cuffs, then, of courses, these people when they were handcuffs also wore chains. But if the suggestion is that in addition to the ordinary type of handcuffs they were in some way fettered, for instance, with ankle chains or anything of that sort

Prof. N. G. Ranga: Chain connected with

Mr. Deputy President: Order, order.

The Honourable Sir John Thorne: My information is

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): We all know what it is

The Honourable Sir John Thorne: May I continue?

Mr. Deputy President: He is giving his explanation.

Shri Sri Prakasa: Yes, but he has never worn handcuffs: He does not know, we know: the policeman holds the chain between himself and the hand-cuffed prisoner.

Mr. Deputy President: The Honourable Member may continue.

The Honourable Sir John Thorne: I suggest that "chains" is merely a picturesque addition to this motion because clearly if one had a handcuff on each wrist and no chain between them, one would be in no way restricted: one would, in fact, have something on one's wrist which might be used as a deadly weapon. So much for the exact wording of the motion.

Another complaint made was that the action taken by the police was intended to be deliberately humiliating. The suggestion was made that they were handcuffed without good reason and that after being handcuffed they were then paraded about the city—I think that is the word used—by routes which were circuitous and not necessary for getting them to their destination. I see no reason whatever to believe that there was any intention to humiliate the people arrested or that there was any object of parading them about the city. As I understand what happened, these processions took place on Monday, ending up in the evening. The police then investigated the offences alleged to have been committed: they took evidence, they were given the names of a number of people who had taken a prominent part in the alleged offences. Those people belonged to various parts of the city—both New Delhi and Delhi, I believe. They communicated with, I was told, eight police stations within whose limits those people might be found. The persons were arrested within the limits of eight police stations. It was necessary to bring them or most of them to the

Kotwali; I understand that the *Kotwali* in Chandii Chowk is not only in itself a police station—one of the many police stations in the city—but is also the headquarters of a senior officer of the police—I think the Deputy Superintendent of Police—and the investigation was conducted under his superintendence, and it was necessary to bring a number of the arrested persons to the *Kotwali*; although I am told that not all of them were taken there, but some were taken straight to the court. However, I see no reason whatever to believe this imputation that with the object of humiliating these arrested persons they were paraded about the city.

Now, I read to the House earlier this police rule which, I would point out, is not permissive—it is mandatory. A police officer in charge of a station, if he finds that any person arrested falls within any one or more of these categories, has not to decide for himself whether to use handcuffs or not—he is required to use handcuffs. You may say that it is a bad rule, but that is another matter; and if any one wants to have the rule changed, the method of doing so is not by way of adjournment motion to censure officers who have in fact obeyed the rule and thereby done their duty. My friend, Mr. Asaf Ali, borrowed my copy and read to you bits which I had already read, but I might perhaps read them yet a third time:

An officer in charge who makes an arrest is required to use handcuffs. The prisoners should be carefully handcuffed on arrest and before removal from any building from which he may be taken after arrest. "Persons who are violent"—(Mr. Nauman, I think, said that as a result of his inquiries he found that it was not alleged that any of these people made resistance; it is not my contention that any of these people actually made resistance to arrest or behaved with resistance after they were arrested)—"disorderly"—(my information is that a number of these persons were disorderly)—"or acting in a manner calculated to provoke popular demonstration."

That is category (e). Category (f) is "persons who are likely to attempt to escape" I do not think it was supposed that any of these persons was going to attempt to escape. "Or to be the object of an attempt at rescue"—I am told that there was in the minds of the police officers some pretty good reason for supposing that the excited crowds who had gathered round the arrested persons might attempt a rescue.

Now, if I may once more take up this paper, without being accused of indifference to the House, I will read you this:

"As the police lorries carrying the handcuffed arrested men entered the *Kotwali*, the large crowd which had gathered outside shouted "Glory to prisoners of the British". Mr. Anis Hashmi, who was in the lorry escorted by the police, angrily asked the people not to shout like that, but say "Down with British Imperialism" "Release the I. N. A. men" and "Long live the Muslim League". The walls of the *Kotwali* echoed with tremendous shouts of "Down with British Imperialism", as the arrested Muslim Leaguers and the crowd outside joined in raising this shout."

This might give pleasure to some of my honourable friends, but it cannot be supposed that it gave pleasure to the police who were in the performance of their duty. The men who were carried in these vans were shouting slogans at the top of their voices and attracting the attention of the crowds all along the route. When they came to the *Kotwali* there was a crowd, and I am told quite a big crowd collected and there was a brisk interchange of shouting and I am told—and it seems not impossible—that some of the slogans were by no means as innocuous as those that I have read out. However pleasant that may be to gentlemen who approve of the behaviour of the persons who were arrested, the police were certainly within the terms of these categories of the police rule entitled to use handcuffs, not only entitled but required to do so and I cannot for a moment agree with any condemnation of the police officers who were responsible for these arrests.

Mr. M. Asaf Ali: On a point of information from Sir John Thorne. He was just now referring to the particular rule on which the police relied in this instance. I think the word used is 'should'. You cannot say it is mandatory. It is

[Mr. M. Asaf Ali] directory. They can use their own discretion on these occasions. It is the same thing as section 46 and section 50 of the Criminal Procedure Code but this goes a little further.

The Honourable Sir John Thorne: My friend is wrong. The word is 'shall'—'Every male person shall be carefully handcuffed'.

I am on rather delicate ground here but my friend Mr. Nauman referred to all these people as respectable persons and persons of standing. I do not want to say a word against any one by name and I certainly must not be understood as making any imputation at all on the gentlemen who have been named in the course of the previous speeches but it is our experience, it is general experience, that when there is a row, the row is by no means left to respectable people to carry on or to persons of standing. Other types will join in and my information is that a number of these people who had to be arrested are not respectable persons but on the contrary are persons with a thoroughly bad record. I do not want to say anything more about it. I should not have mentioned it but for the suggestion that every one of these 37 persons are perfectly respectable men.

Mr. Deputy President: The Honourable Member has two minutes more.

The Honourable Sir John Thorne: I hope not to ask for longer than that. I do not think I have anything more to say except that I have been depressed, I must say, by some of the suggestions made this afternoon—the suggestion that the police or those who are masters of the police are deliberately inciting or deliberately provoking people in order to have a row. (*An Honourable Member:* "Do you doubt it?") I cannot think of a more unworthy imputation on officers who have to maintain public order and I may say that I cannot think of any imputation which is more likely to inflame the minds of people and cause more trouble than the suggestion that on the side of the authorities there is any desire whatever for a row. In these recent days, to my mind, the Delhi police have shown great restraint. They have not attempted to disperse these processions. They waited. They did not interfere with the processions. They waited until they were over. Then in performance of their duty, seeing that these processions were offences, they arrested the persons who were the ring leaders.

Mr. Deputy President: The Honourable Member's time is up.

The Honourable Sir John Thorne: Before sitting down I should like to pay a tribute to some of the responsible Muslim leaders of Delhi, in particular to a gentleman who is, I believe, President of the Delhi Muslim League. I am told that he and some others have used all their influence to prevent the law being broken, that the tail has wagged the dog as the tail is apt to do when feelings run high. His advice was discarded and the regrettable circumstances that have arisen are not the outcome of any deliberate policy of the Provincial League but a sign that some of the persons who were connected with it have outrun the discretion of their leaders.

Nawabzada Liaquat Ali Khan: The Honourable the Home Member towards the end of his speech said that he was glad to know that it was not the policy of the Muslim League to either create any disorder or break the law, but he was under the impression that the demonstrations which took place last Monday were really due to the mischievous activities of a few individuals. There my friend is absolutely wrong. The trouble with this Government is that it is never able to appreciate and understand the real feelings of the people of this country. The demonstration that took place on Monday last was the expression of dissatisfaction and resentment amongst a very large section of the people of Delhi over the sentence passed on Captain Rashid and the keeping of the I. N. A. personnel under detention or under trial. I think the people of Delhi are to be congratulated that they showed great restraint and they did not do anything untoward on the 11th in spite of their feelings running so high and feeling so strongly over the present policy of the Government with regard to the I. N. A.

personnel. I think the Honourable the Home Member must be aware that the Muslim League programme was to have flag hoisting ceremony on that day and hold a public meeting. There was no procession on the programme. It was really a spontaneous action on the part of some people to have formed themselves into a procession and marched through the streets of Delhi. The fact that the police did not consider it necessary at any stage to stop these people marching in procession shows that the procession was peaceful and there was no obstruction to traffic. The fact that the public meeting passed off peacefully and all the demonstration in that connection passed off peacefully shows that as far as the civilian population is concerned, it had no intention, no desire to break the law as such. Therefore, it is regrettable, Mr. Deputy President, that Government, in their anxiety to make a show of their authority should have taken action the next day, that is the 12th. Sir, the Honourable the Home Member referred to Rule 56(3) of the Defence of India Rules. He told us that these arrests were made under this Rule. Sub-rule 3 says:

"Any police officer may take such steps and use such force as may be reasonably necessary for securing compliance with any order made under this rule."

The Honourable Sir John Thorne: On a point of personal explanation. I had not the Rules by me. I was not referring to sub-rule which my Honourable friend read out. I was referring to the portion of the Defence of India Rule 56 which makes it an offence to do so and so.

Nawabzada Liaquat Ali Khan: It is an offence. I am not saying it is not an offence. I understood the Honourable the Home Member to say that he withdraws his reference to sub-rule 3 of Rule 56 because in the beginning he did mention it and this was under sub-rule 3.

The Honourable Sir John Thorne: If my Honourable friend has correctly read sub-rule 3, I was not referring to sub-rule 3. It was the sub-rule which makes it an offence.

Nawabzada Liaquat Ali Khan: Now, Sir, the sub-rule which makes it an offence is this. That is sub-rule 4.

"If any person contravenes any order made under this rule, it shall be punishable with imprisonment for a term which may extend to three years or with fine or with both."

It is not necessary under this rule to arrest people, issue warrants of arrest and handcuff them and do all sorts of things. As was pointed out by the Deputy Leader of the Congress Party, the police could have easily issued summons or if a warrant had to be issued, it could have been a bailable warrant. I believe if it was necessary that under the law, a warrant has got to be issued because the punishment is three years or more, then it could have been done. But it shows that the action of the police was deliberate and really the action of the police was to frighten people into submission. To my mind the Government should be wiser by this time and realise that the people of India have now passed the stage when they could be frightened into not doing the right thing. That time is passed. On the contrary, such actions as have been taken by the Delhi police are likely to arouse public feeling more than help to subside it.

The Honourable the Home Member has in justification of the action of the police in handcuffing these gentlemen stated that outside the *Kotwali* there was a big crowd that raised various slogans. I think the statement of this fact weakens the argument of my Honourable friend rather than strengthening it because in spite of the fact that there was a big crowd, in spite of the fact that their leaders were handcuffed and in spite of the fact that people were greatly excited, no untoward incident took place outside the *Kotwali* except shouting of slogans. Therefore it shows that there could have been no justification or any fear in the minds of the police that if they had not handcuffed these persons, some terrible catastrophe would have happened. Sir, the Honourable the Home Member said that according to his information some of these persons are not respectable. He might have told us whether any one of these 37 persons were brought to the *Kotwali* without handcuffs. Was any one of these 37 persons arrested and brought to the *Kotwali* without handcuffs?

The Honourable Sir John Thorne: Some. A few.

Nawabzada Liaquat Ali Khan: How many?

The Honourable Sir John Thorne: I do not know.

Shri Sri Prakasa: There were not sufficient handcuffs.

Nawabzada Liaquat Ali Khan: My information is that every one of them was brought in handcuffs to the *Kotwali*. I know most of them, if not all of them, they are anything but violent. They are very meek and mild people and I wish they had a little more spirit in them. Therefore, to put this forward or to trot out this argument that as there was some fear of their becoming violent, therefore they had to be handcuffed, I do not think it would carry conviction with any Honourable Member on this side of the House. Let me tell them and they can pass it on to their underlings: The time is passed now when handcuffs on a man who is serving his country can humiliate him. If they do it for the sake of humiliating or lowering him in the eyes of his countrymen, then let me tell them that they are greatly mistaken. They are only wasting their handcuffs and their time. On the contrary let me tell them that this action of theirs raises the prestige of a person if he is brought in handcuffs to either the court or the *Kotwali*. Sir, even on the statement of my Honourable friend the Home Member there does not seem to be any justification whatsoever for the methods which the police have used in making these arrests. Most of them, and I think practically every one of them was arrested in his house. They did not know anything about it. They did not collect large number of people outside their houses to see that they should try to make them escape from police custody. There was no fear of any kind. As a matter of fact, a wise Government, and I lay great emphasis on the word 'wise', a wise Government would not have taken any notice of what happened on the 11th. The Government by their action have focussed the attention of the people on this particular incident. Let me tell them that if they think that they will succeed in frightening people into submission, they are greatly mistaken. On the contrary they will be responsible and if anything untoward happens, I will hold the Government responsible because that will be due to their action, to their unwise action which they have taken. It is a well known fact and everybody realises it, that the peoples in India are very much agitated over the question of I. N. A. men. My Honourable friend the War Secretary said the other day that the change in the policy of Government was due to the consideration that it might lead to a political settlement.

Mr. P. Mason (Government of India: Nominated Official): I do not think I said that; there has been no change of policy.

Nawabzada Liaquat Ali Khan: But they did change their policy when the Commander-in-Chief first remitted the sentences and I think my Honourable friend did say that it was done in the hope that it would make it easy for a political settlement to take place.

Mr. P. Mason: Yes, but I did not say there was a change of policy.

Nawabzada Liaquat Ali Khan: It was not a change of policy but it was done in that hope; I will accept my Honourable friend's word for it. But all that I want to tell him is that this subsequent action of theirs will shatter that hope which they entertain, if they have any such hope. Their subsequent action will create more bitterness among the people and I tell them that in their own interest and in the interest of the people of India they should revise their policy and follow another policy under which people will not be treated with such brutality and discourtesy as was done in Delhi.

Khan Bahadur Hafiz M. Ghazanfarulla (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, from what has been said in this House I think it is clear that there was no resistance at all by these people and it was mere high-handedness that these people were handcuffed and brought to the *Kotwali*. The

Honourable the Home Member said there was some shouting of slogans, but I want to ask him whether these people were handcuffed before or after the shouting of these slogans. I have seen people arrested in many places and for many crimes but they are not handcuffed. Sir, it is surprising to see that on the same day the Viceroy invited Mr. Jinnah and Mahatma Gandhi to assist him in tackling the food position, these people who would have helped Mr. Jinnah in making the food situation easier were treated so shamefully. Government must change their policy and people should not be treated like this. I think the people of Delhi must be congratulated on the way they have behaved, otherwise there would have been another Calcutta affair here, with loss of lives. Sir, I support the motion.

Several Honourable Members: The question may now be put.

Mr. Deputy President: The question is:

"That the question be now put."

The motion was adopted.

Mr. Deputy President: The question is:

"That the Assembly do now adjourn."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 14th February, 1946.

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