

19th February 1946

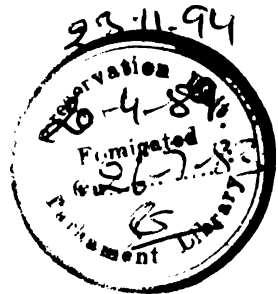
THE LEGISLATIVE ASSEMBLY DEBATES

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

Tuesday, 19th 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.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

ENAMEL PLANTS IN INDIA

339. *Mr. Mann Subedar: (a) Will the Honourable the Industries and Supplies Member please state how many enamel plants operated during the war in India?

(b) What classes of goods were purchased from the owners of such plants by Government during the period of the hostilities?

(c) Is it a fact that all outstanding orders with them have been cancelled?

(d) Is it true that arrangements have been made for the purchase and import into India from the United Kingdom of large quantities of the class of goods which were supplied by these factories during the war?

The Honourable Mr. A. A. Waugh: (a) Twelve enamelware factories were in production during the War.

(b) Broadly speaking, two classes of enamelware were purchased:

(i) Medical Stores, such as trays, bowls, feeding cups, baths, etc.

(ii) Services stores, such as plates, mugs, basins, ewers, etc.

(c) No, Sir; but, due to reduction in demands, some outstanding orders were cancelled.

(d) Yes, Sir. Some orders were placed on the U.K. in order to release capacity in India to meet civilian needs.

Mr. Manu Subedar: With regard to part (c) of the question, may I know why some orders were reduced in India and yet orders for the same kind of material were placed in the United Kingdom at the same time?

The Honourable Mr. A. A. Waugh: The sequence of it was not like that. What happened was that a representative of the War Department went to the War Office early in 1945 and asked War Office to produce as much as they could from their stocks, so that some of India's capacity might be devoted to civilian requirements. I am not quite sure how much he got out of it—not very much, I think—but there was no question of cancelling demands for the War Department placed in India in order that they might be obtained from Home.

Mr. Manu Subedar: In view of the acute shortage of these goods in the United Kingdom itself, may I know why Government have not represented to His Majesty's Government that these enamel goods are not now wanted for India and that India's total producing capacity is very far beyond the requirements of Government as well as the civil population and should be used?

The Honourable Mr. A. A. Waugh: Only what the War Office, England, happened to have in stock was indented. No orders for manufacture were placed in England, nor are any being placed now.

Mr. Manu Subedar: Will the Honourable Member then assure this House that so far as the future is concerned, any orders going out of this country are carefully scrutinized and that whatever can be produced here will be taken by Government?

The Honourable Mr. A. A. Waugh: I can assure the Honourable Member that all orders placed for enamelware will be most carefully scrutinized to see that they are placed first in India if obtainable.

Sri M. Ananthasayanam Ayyangar: May I know from the Honourable Member how many of these companies are Indian?

The Honourable Mr. A. A. Waugh: The great majority.

Sri M. Ananthasayanam Ayyangar: May I know why orders are placed in the United Kingdom when the need for the same kind of enamel articles here must be going down in view of the fact that the Army units have been disbanded?

The Honourable Mr. A. A. Waugh: I have explained that no orders are being placed in the United Kingdom since the war is over.

RESOLUTIONS OF THE SECOND FOREIGN MINISTERS' CONFERENCE IN MOSCOW

340. *Prof. N. G. Ranga: Will the Secretary for External Affairs be pleased to state:

(a) if Government have examined the resolutions of the Second Foreign Ministers' Conference held in December, 1945, in Moscow; if so, their appreciation of the resolution that accepts India as one of the members of the proposed world organisation;

(b) whether the political position therein envisaged for India is in any way different from, or better than, that granted to India soon after the last world war when India was accepted as an original member of the League of Nations; and

(c) whether the Government of India was consulted by the British Government or has made any representations on its own initiative to the British Government on the eve of the said Conference as regards the Indian interests in the Pacific and Indian Ocean?

Mr. H. Weightman: (a) Government have examined the communique issued after the Foreign Ministers' Conference in Moscow in December 1945 but can find no reference in it to acceptance of India as one of the members of a proposed world organisation.

(b) Does not arise.

(c) No question affecting Indian interests in the Indian Ocean area arose at this Conference but His Majesty's Government have, at the instance of Government of India, secured that India's interests in the Pacific area shall be safeguarded by the inclusion of a representative of India in the Far Eastern Commission and of a member representing the United Kingdom, Australia, New Zealand and India in the Allied Council for Japan. The latter will be assisted by an Adviser appointed by Government of India.

Mr. K. O. Neogy: With reference to part (a), may I know if it is not a fact that the question of India's participation in the Peace Conference did arise at this Conference?

Mr. H. Weightman: Yes, Sir. That is correct.

Mr. K. O. Neogy: Do I take it then that there was no objection to India's participation as a co-equal with the other nations of the world?

Mr. H. Weightman: India's participation in the Peace Treaties Conference was accepted at the Moscow Conference, and India will sign the Treaties with the enemy countries.

Mr. K. O. Neogy: Is it a fact that at one stage Russia took exception to India's participation in the Peace Conference on the ground that India was not free to conduct her foreign relations?

Mr. H. Weightman: I believe that is so.

Mr. K. O. Neogy: Does the Honourable Member propose to give us an idea about the answer that was furnished to this objection either by the British Foreign Secretary or on behalf of the Government of India?

Mr. H. Weightman: I am afraid I am not able to give an answer.

Mr. K. O. Neogy: Will the Honourable Member please make enquiries and then let us know what the exact answer to this objection was?

Mr. H. Weightman: Yes, Sir.

Sri M. Ananthasayanam Ayyangar: May I know from the Honourable Member if it is a fact that in agreeing to India's participation in the World Organization, Russia demanded that the Baltic States should also be given the same status as a *quid pro quo*?

Mr. H. Weightman: I think not.

Prof. N. G. Ranga: Is it not a fact that India is considered to be a part of the British Delegation and therefore any privilege or any position that may be given to India is looked upon as an additional privilege or position given to Great Britain?

Mr. H. Weightman: Part of what delegation?

Prof. N. G. Ranga: British Empire Delegation.

Mr. H. Weightman: In the Peace Treaties Conference—no, Sir.

Mr. President: I think the question is not properly understood by the Honourable Member.

Prof. N. G. Ranga: Is it not a fact that the other countries, especially Soviet Russia, did consider that any privilege or position given to India will only be a part and parcel of total representation given to the British Empire, and therefore they took objection to any share being given to India?

Mr. H. Weightman: I cannot answer for what the Russian Government may have thought. The fact remains that India is to be a party to the signing of the Peace Treaties.

Prof. N. G. Ranga: What is the exact position of India's delegation there? Is India's delegate completely free to act in the interest of India and independently of the British total delegation for the British Empire?

Mr. H. Weightman: Yes, Sir.

Prof. N. G. Ranga: Why is it that my Honourable friend says that part (b) of this question does not arise? The question is whether the position of India today in the United Nations Organisation is better or worse than what it was when she became an original member of the League of Nations?

Mr. H. Weightman: Part (b) follows from part (a) which refers to the acceptance of India as one of the members of the proposed World Organisation.

Mr. K. O. Neogy: When the Honourable Member said, rather conveyed the impression, that India was free to take any action which she chooses independently, I take it, of the United Kingdom—His Majesty's Government—do I take it, that it is the case of the Honourable Member that the Government of India is free to act as indicated?

Mr. H. Weightman: I am not quite sure that I appreciate the significance of that question.

Mr. K. O. Neogy: What did he mean when the Honourable Member agreed with my Honourable friend Prof. Ranga that India was free to take any action? Do I take it that when he referred to India, he meant the Government of India as at present constituted—the Governor-General in Council?

Mr. H. Weightman: The Government of India at the time of the signing of the Peace Treaties.

Mr. M. Asaf Ali: May I know whether India is being treated as a sovereign country and has become a member in her own right? If it is not so, what is the explanation that the Government have to offer about the position which India occupies in these International Conferences?

Mr. H. Weightman: I am sorry: I have not followed that question.

Mr. M. Asaf Ali: Is it or is it not a fact that India constitutionally is not yet a sovereign country?

Mr. H. Weightman: Yes.

Mr. M. Asaf Ali: If so, in what position is India being represented at these international conferences?

Mr. H. Weightman: India is being represented in so far as . . .

Mr. M. Asaf Ali: Obviously as a subordinate country!

Mr. H. Weightman: May I proceed, Sir? India is being represented on the Peace Treaty Conference as one of the countries that actively waged war with the substantial military forces against the European enemy States.

Mr. M. Asaf Ali: That is not enough. What I am wanting to know is this: whether India is being treated as a sovereign country in these international conferences or not. If so, why does this anomalous position continue, that here in the country itself, the Government of India is only a subordinate Government?

Mr. President: Is the position clear to the Honourable Member?

Mr. K. O. Neogy: The Honourable Member stated that the reference to India means the Government of India as it may be constituted at the time the Peace Treaty comes to be signed. Whether it is the Government of India as at present constituted, or as it may be constituted at that time, do I take it that the Secretary of State, representing His Majesty's Government, and the British Parliament have already agreed to relax their control over India insofar as this position goes?

Mr. H. Weightman: I do not think the question has arisen. I have explained how India stands in relation to the signing of the peace treaty. I cannot go further than that.

Mr. K. O. Neogy: But the Honourable Member has already given an assurance that the Government of India as it may be then constituted, will be free to take whatever action she chooses at the time. Do I take it that this answer is based upon any assurance that the Government of India may have received already from His Majesty's Government that the constitutional control exercised by the British Parliament and His Majesty's Government over the Government of India will be relaxed for this particular purpose?

Mr. H. Weightman: No, Sir. That matter has not come under consideration.

Mr. K. O. Neogy: How then does the Honourable Member give that assurance?

(No answer).

Prof. N. G. Ranga: How are the Indian delegates at the U.N.O. Conference advised? Does the Government of India first get its advice from the British Government and then pass it on to them, or do they get advice direct from the Government of India without being tutored by outside authority?

Mr. H. Weightman: We now seem to have gone to the U.N.O. The answer is that the Government of India delegates to the U.N.O. have been instructed by the Government of India themselves and not after reference to anyone else.

PRODUCTION OF STEEL IN INDIA

341. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Supplies give figures of the production of steel in India during the years 1939-40, 1941-42, 1942-43, 1943-44, 1944-45 and 1945-46 (upto the 31st December 1945)?

(b) Which kind of steels, which were not produced in India before the war, were produced during the war?

(c) After the steel was so produced, how much steel was given for the consumption of the civil population?

(d) How much steel is available as surplus?

(e) Is it on order with the producers, or is it in the hands of Government?

(f) Have all orders placed during the war been cancelled or only some of them?

(g) Why have not Government made steel available for building purposes to the civil population?

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

(b) Shell steel, alloy steel for bullet proof plates, acid open Hearth steel for wheel, tyre and axles, and a wide range of tool and alloy steels to various specifications, have been produced in India during the war for the first time.

(c) A statement is laid on the table.

(d) and (e). The quantity of surplus steel was estimated after V-J day to be 8,70,000 tons. This was lying partly with fabricators and partly with Government.

(f) Most of the unexecuted war demands have been cancelled.

(g) Steel has been made available for building purposes as rapidly as the supply position permitted. The limits of unlicensed sales are also being enhanced so that steel for building purposes can be acquired without licences.

Statement

Part (a)

Statistics have been compiled according to the calendar year and not by the financial year—

Year	Total production (in tons)
1939	8,42,902
1940	10,33,784
1941	11,37,650
1942	10,70,451
1943	11,66,204
1944	10,59,292
1945	10,69,045

Part (c)

Year	Allocation for civil consumption (in tons)
1941 (August—December)	57,951
1942	1,50,045
1943	1,27,089
1944	1,81,561
1945	3,31,181

N.B.—Figures for earlier periods are not available.

Mr. Manu Subedar: With regard to (b), may I know whether Government have made arrangements for the continuation of the production of different kinds of steels which were produced during the war; and whether Government will protect these particular productions against foreign imports of like kind?

The Honourable Mr. A. A. Waugh: Arrangements have been made for continuing the production of these special steels. If there is any need for protection that will certainly be examined.

Sri M. Ananthasayanam Ayyangar: What percentage of the steel production during the war was taken by the Government?

The Honourable Mr. A. A. Waugh: At one time, Sir, about 90 per cent. of it. But that was at the peak of the war.

Sri M. Ananthasayanam Ayyangar: May I know if during the war that portion which was released for civilian consumption came up to 25 per cent. at any time?

The Honourable Mr. A. A. Waugh: Yes, Sir, in 1945.

Sri M. Ananthasayanam Ayyangar: May I know if any promise is given for steel exports from India?

The Honourable Mr. A. A. Waugh: A negligible quantity.

ORGANIZATION OF THE STEEL CONTROLLERS.

342. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Industries and Supplies please state when the offices of the Steel Controllers at the Centre and in the Provinces were created and what is the present organization of the Steel Controller?

(b) Who are the people and what are they being paid per month?

(c) On what basis is priority for the supply of steel based since the stoppage of hostilities?

(d) Have Government received representation from the Provincial Governments and seen expression of public opinion in the press that it is essential to supply steel for building work being resumed?

(e) Do Government propose to take steps to make available about a thousand tons for the city of Bombay which suffered through the explosion?

The Honourable Mr. A. A. Waugh: (a) and (b). A statement is laid on the table.

(c) No definite priority instructions are in operation since the stoppage of hostilities but the general principle is that Government demands for Defence, Railways and Civil purposes, and also the demands of the industries fostered by Government during the war, are given preference over other demands.

(d) Yes, Sir.

(e) Immediately after the explosion in Bombay, Government made an allotment of 1,000 tons of steel for urgent reconstruction work but this was not taken up.

Statement

Office	Place	Date of creation	Name of the officer	Pay
Iron and Steel Controller and <i>ex-officio</i> Controller of Steel Imports.	Calcutta	1-8-41	Mr. E. G. Spooner	Nominal salary of Re. 1 per annum.
Regional Dy. Iron and Steel Controller, Bengal Circle.	Calcutta	1-12-42	Mr. A. K. Mitra	Rs. 1,550 p. m.
Regional Dy. Iron and Steel Controller, Bombay Circle.	Bombay	1-12-42	Mr. L. F. Berry	Rs. 1,700 p. m.
Regional Dy. Iron and Steel Controller, Sind Circle	Karachi	1-6-43	Mr. J. P. Bapasola	Rs. 1,800 p. m.
Regional Dy. Iron and Steel Controller, Madras Circle.	Madras	1-2-43	Mr. L. Henshaw	Rs. 1,800 p. m.
Regional Dy. Iron and Steel Controller, Punjab Circle.	Lahore	1-2-43	Mr. Inder Prasad	Rs. 1,200 p. m.
Regional Dy. Iron and Steel Controller, U. P. Circle.	Cawnpore	5-2-43	Mr. R. R. Chari	Rs. 1,450 p. m.

Mr. Manu Subedar: Have Government enquired why it was not taken up?

The Honourable Mr. A. A. Waugh: The Bombay Government found they did not need it. One reason was, I think, that the explosion literally uncovered undisclosed stocks.

Mr. Manu Subedar: May I know whether the Central Government, who are responsible for the explosion, made any enquiry as to why the enormous population which was de housed on account of the explosion in Bombay has not been rehoused in buildings and why these buildings have not gone up?

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

Sri M. Ananthasayanam Ayyangar: May I know if any portion of this is allowed for the purpose of agricultural machinery?

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

Sri M. Ananthasayanam Ayyangar: What percentage is allowed for building purposes and what percentage for agricultural machines?

The Honourable Mr. A. A. Waugh: If the Honourable Member so desires I shall collect the information: but so far as possible all agricultural needs are met.

Sri M. Ananthasayanam Ayyangar: Is the Honourable Member aware that there has been a large demand from the agricultural population but for want of priority they are put to a lot of trouble, and will he give similar preference to agricultural machinery?

The Honourable Mr. A. A. Waugh: I will examine this question but I cannot promise any absolute priority for agricultural machinery.

Sri M. Ananthasayanam Ayyangar: How long is this control over steel to be continued?

The Honourable Mr. A. A. Waugh: Government have come to no decision on that subject.

Prof. N. G. Ranga: In view of the fact that during this food crisis one of the biggest things needed is adequate transport, will Government be pleased to give special priority for the supply of iron bands for bullock carts that are used in the countryside by *kisans*?

The Honourable Mr. A. A. Waugh: I do not think a special priority is required, but as much as possible will be made available for the purpose.

Mr. Manu Subedar: Is it a fact that some of the controllers were directly associated with some of the big steel producing companies?

The Honourable Mr. A. A. Waugh: The Iron and Steel Controller was lent to us by a big steel producing company.

Mr. Manu Subedar: The men now controlling steel are lent officers or men associated with other steel companies and they are only waiting to go back as soon as Government abolishes the steel control?

The Honourable Mr. A. A. Waugh: Some officers were lent to us and when there is no need for further control, I have no doubt some of them will rejoin the firms to which they belonged.

Prof. N. G. Ranga: Is it necessary for the Government to wait until the *kisans* refuse to plough the land and cart the grain to the markets before they realize the needs for special priority?

The Honourable Mr. A. A. Waugh: Steel is being very largely supplied to cart dealers and for agricultural implements.

SHORTAGE OF STEEL DUE TO STOPPING OF ROLLING MILLS

343. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Supplies please state how many steel rolling mills there are in India?

(b) How many of these were stopped by Government through their unwillingness to release coal for them?

(c) Who advised Government that this was a desirable thing to do?

(d) What was the total number of men thrown out of work by this stoppage?

(e) Is it a fact that the acute shortage of steel everywhere is due to the stopping of the rolling mills?

(f) Have orders been given for the resumption of work by them, if so, how many?

The Honourable Mr. A. A. Waugh: (a) The Honourable Member presumably refers to steel rolling mills of re-rollers. There are 105 of these who are members of the Steel Re-rolling Mills Association of India, and 50 mills who are not.

(b) There was no question of Government being unwilling to allot coal, but at a time when the shortage of coal was acute, production had to be concentrated on the more efficient units. The Honourable Member is referred to the answers given to question No. 230, on 13th February, 1946.

(c) Government were responsible for the decision taken in the cases after considering the recommendations of its officers.

(d) The information is not available.

(e) and (f). No, Sir. The Honourable Member is referred to the answers to Question No. 230, on the 13th February, 1946.

Mr. Manu Subedar: May I know why Government have not enquired about the number of men who were thrown out by their arbitrary action in withholding coal from these rolling mills?

The Honourable Mr. A. A. Waugh: If the Honourable Member wishes I shall endeavour to collect the information. The number of men employed in these mills varied considerably from time to time.

Mr. Manu Subedar: What happened to the scrap which these re-rolling mills were using?

The Honourable Mr. A. A. Waugh: The Honourable Member has another question on that which I shall answer later.

Sri M. Ananthasayanam Ayyangar: The Honourable Member has referred to the answer given to some question in his reply. May I know if orders have been given for the resumption of these mills and if so, how many?

The Honourable Mr. A. A. Waugh: All of them are allowed to run now and I think nearly all of them are running.

Sri M. Ananthasayanam Ayyangar: Has the Honourable Member examined the coal position and are they in a position, apart from the question of giving orders for the resumption of the mills, to run or is it a fact that some of them are not able to run for want of coal?

The Honourable Mr. A. A. Waugh: I have had no complaints that any mills have been closed for want of coal.

Mr. Manu Subedar: Will the Honourable Member make further enquiries and find out whether the rolling mills are able to supply the *kisans'* requirements, for which my Honourable friend Prof. Ranga was pleading?

The Honourable Mr. A. A. Waugh: Yes, I shall make enquiries.

IMPORT OF STEEL SINCE 1939

344. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Supplies please state how much steel has been imported since September 1939?

(b) How many import licences have been applied for and sanctioned?

(c) What happens to the steel scrap in India, while the rolling mills which were using this were stopped?

(d) Was any pressure brought on Government by the Tata Iron and Steel Company Limited, and the SCOB for discontinuing the working of smaller mills?

(e) In view of the shortage of steel in India, what arrangements have Government made for securing a large supply from the U.S.A. or the United Kingdom or Belgium, where an excess is reported?

(f) Did any of the deputations including that of Sir Ardeshir Dalal make an effort to get more steel for India?

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

(b) The total number of applications received upto the end of January, 1946, is 24,852 and the number of licences issued is 20,221.

(c) The bulk of the scrap was utilised by those rolling mills which were in operation and the balance was released for civil consumption.

(d) No, Sir.

(e) During the war, the Government arranged to import and distribute balance of steel representing the difference between essential Indian demand and indigenous production. Steps are now being taken to enable import through normal channels. Certain categories of steel can now be imported under Open General Licence from the Sterling areas. Further, licences to import from other sources are granted when supplies are not available from the sterling areas and when they are required for essential purposes.

(f) Sir Ardeshir Dalal's deputation was not for the purpose of obtaining more steel. India needs imports only in certain categories like tin plates and sheets and every effort is being made to obtain greater supplies of these.

Year	Statement						Import in tons
1939	2,78,449
1940	1,96,861
1941	1,53,436
1942	1,79,982
1943	3,20,063
1944	3,34,084
1945	3,26,327

Mr. Muhammad Nauman: Will the Honourable Member state with reference to part (e) of the question, how the Belgian company's steel prices compare with the prices of steel that is being imported?

The Honourable Mr. A. A. Waugh: I have no information about Belgian steel prices but I can make enquiries.

Mr. Manu Subedar: In view of the fact that steel prices are still very high, particularly for civilian building purposes, will not the Honourable Member arrange for a large issue for civilian purposes at special prices for building houses or for the import of light qualities from the Continent. The Honourable Member mentioned the Sterling area but I emphasise the word Continent. Why should we not be permitted to get steel from Belgium as was being supplied to the whole of the Bombay market before the war and why is the advice of the Tata Iron and Steel Co. and the SCOB, who are interested parties, taken by Government against the obvious public convenience of the people of Bombay?

The Honourable Mr. A. A. Waugh: I shall enquire about the Belgian position but I would remind the Honourable Member that the world prices of steel are in general not so low as those of Indian steel.

Sir M. Ananthasayanam Ayyangar: What is SCOB?

The Honourable Mr. A. A. Waugh: Steel Corporation of Bengal.

Sri M. Ananthasayanam Ayyangar: May I know from the Honourable Member if even during the war there were large imports of steel from outside India?

The Honourable Mr. A. A. Waugh: Yes, Sir. The information is supplied in answer to another question.

Sri M. Ananthasayanam Ayyangar: May I know from the Honourable Member that if there is no sufficient material, it is because owing to lack of coal the rolling mills were not allowed to run and that this shortage could easily be made up?

The Honourable Mr. A. A. Waugh: As I have explained previously, there was no fall in production when the re-rolling mills were stopped temporarily.

Mr. Manu Subedar: Am I to understand from the Honourable Member that Sir Ardeshir Dalal was not at all concerned with the steel position, with the acute shortage of steel for building purposes in India, when he went abroad?

The Honourable Mr. A. A. Waugh: I do not think that that was the purpose of his mission. I may explain for the Honourable Member's information that we employed a special officer, the Steel Import Controller, during the war, and he made every effort to get the kinds of steel required.

Mr. Manu Subedar: Since the war is over is this officer still functioning and has he produced any results?

The Honourable Mr. A. A. Waugh: The post was amalgamated with the post of Steel Controller, who carries on with the same efforts to get imports.

Sri M. Ananthasayanam Ayyangar: May I know if the number of import licenses that have been granted will interfere with the local production of steel?

The Honourable Mr. A. A. Waugh: No, Sir. Licenses are not granted which may interfere with the local production of the same kinds of steel.

RECRUITMENT OF STAFF IN THE G.I.P. RAILWAY

345. *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 Great Indian Peninsular 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 post 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 certain favoured classes like the Anglo-Indians or the Parsis; 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, (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. Complete information regarding direct recruitment on the G. I. P. Railway to posts carrying a salary of Rs. 100 per mensem and over is not available and is being obtained. It will be laid on the table of the House in due course.

Sri M. Ananthasayanam Ayyangar: Are there selection boards to deal with all classes of appointments?

The Honourable Sir Edward Benthall: With selection posts.

Sri M. Ananthasayanam Ayyangar: May I know if these selection boards are permanent bodies, whether they are also concerned with the question of promotions and with cases where persons who were appointed originally were deprived of their promotions at a later stage and whether the board can also go into the question whether promotions are made regularly and properly and whether its functions are similar to those of the Public Service Commission in safeguarding the rights of the employees?

The Honourable Sir Edward Benthall: I am not quite sure whether they apply to all grades.

RECRUITMENT OF STAFF ON EAST INDIAN RAILWAY

346. *Sri M. Ananthasayanam Ayyangar (on behalf of **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 East Indian 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 certain favoured classes like 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, (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 the 8th February, 1946.

As regards direct recruitment on the E. I. Railway to posts carrying a salary of Rs. 100 per mensem and over, the required information is as follows:

<i>Community</i>		<i>Direct Recruits</i>
Hindus	. . . . .	111
Muslims	. . . . .	20
Europeans and Anglo-Indians	. . . . .	34
Indian Christians	. . . . .	3
Sikhs	. . . . .	3

Sri M. Ananthasayanam Ayyangar: May I know from the Honourable Member with reference to his answer to part (e) of the question whether there is any discrimination shown as between classes and classes?

The Honourable Sir Edward Benthall: No, Sir. There is a certain preference shown to children and, I think, relatives of all classes of railway servants but it is a limited preference.

Sri M. Ananthasayanam Ayyangar: May I know if there is any written rule that certain classes of individuals or communities shall be shown preference in railway services?

The Honourable Sir Edward Benthall: No, Sir. The only preference is that given under a resolution of 1934, I have forgotten the exact date, which provides for a minimum pay of Rs. 55 to Anglo-Indians in all Government Departments.

Lt.-Col. Dr. J. C. Chatterjee: May I know whether it is not a fact that the educational allowances given to children of Anglo-Indians and Domiciled Europeans on the railways are far larger than those given for the education of children of Indian employees?

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

Sri M. Ananthasayanam Ayyangar: Whose resolution is it that the Honourable Member referred to, of 1934? Is it of the Assembly or of the Government of India?

The Honourable Sir Edward Benthall: It is a resolution of the Government of India in the Home Department.

Mr. Frank R. Anthony: Is the Honourable Member aware that in the matter of education, local authorities such as district boards and municipalities discriminate against the Anglo-Indians and do not provide schools and educational facilities for them?

Mr. President: I do not think that question arises.

INCREASE IN PRICES OF CARTRIDGES BY BRITISH FIRMS

347. *Seth Yusuf Abdoola Haroon: (a) Will the Honourable Member for Industries and Supplies be pleased to state if it is a fact that prices of cartridges have been increased by British firms from the 1st January, 1946?

(b) Did Government make any representation to His Majesty's Government to bring down the prices in view of the Government of India's desire to bring down the prices in India? If not, why?

(c) If for any specific reasons Government are unable to interfere with the prices of British firms, what action have Government taken to adjust the Indian prices accordingly?

(d) Is it not a fact that prices of 2½" cartridges are higher than those of 2¼"?

(e) Is it a fact that prices of 2½" cartridges have not been gazetted?

(f) Is it a fact that an Assistant Controller General of Civil, Supplies, Bombay permitted certain firms at Bombay to make higher charge for 2½" cartridges in accordance with the pre-war practice?

(g) Is it a fact that similar requests sent by the Karachi or Delhi merchants by registered post were either negatived or not replied? If so, why?

(h) If the reply to part (g) is in the negative, are Government prepared to enquire into the allegations against the Controller General's Office at Bombay? If not, why?

The Honourable Mr. A. A. Waugh: (a) Government have seen a report that one British firm has raised prices from 1st January, but have no information as to other firms.

(b) No.

(c) So far, Government have no evidence that there has been a general rise in the prices of British firms on which they could take action.

(d) Government have not sufficient material to say definitely whether or not the prices of 2½" cartridges are higher than those of 2¼" cartridges.

(e) Notification No. 1/2(94)/45-CG (CS), dated the 8th September, 1945, issued by the Department of Industries and Civil Supplies under Section 3 of the Hoarding and Profiteering Prevention Ordinance covers all sizes of cartridges.

(f) Yes; but this appears to have been done under misapprehension.

(g) One request was received from a Delhi merchant, and was negatived because Notification No. 1/2(94)/45-CG(CS), dated the 8th September 1945, as it stands covers cartridges of non-standard sizes. A review of this Notification is now under consideration, since it is perhaps now necessary to fix prices on a different basis for non-standard size cartridges.

(h) Does not arise.

Seth Yusuf Abdoola Haroon: May I know what action it is proposed to take against the firm who raised the prices in Delhi, with reference to part (a) of the question?

The Honourable Mr. A. A. Waugh: This is a British firm: we cannot take any action against British firms.

Seth Yusuf Abdoola Haroon: May I know why he discriminates between British and Indian firms?

The Honourable Mr. A. A. Waugh: I might explain: the particular notice referred to was received from a firm in England who notified an increase in the shilling prices of cartridges.

Sri M. Ananthasayanam Ayyangar: May I know if cartridges are allowed to be manufactured by private firms in this country?

The Honourable Mr. A. A. Waugh: I must ask for notice. I am not aware whether there is any manufacture in India.

Seth Yusuf Abdoola Haroon: With regard to part (g) may I know how long it will take for the Government to decide the matter?

The Honourable Mr. A. A. Waugh: I am grateful to the Honourable Member for having raised this question; and as soon as we can get definite evidence of what the prices are now, we shall revise the notification.

ICE AND AERATED WATER CONTRACTS ON NORTH WESTERN RAILWAY

348. *Mr. Tamizuddin Khan: (a) Will the Honourable the Railway Member be pleased to state if it is a fact that ice and aerated water contracts on the North Western Railway used to be granted to only those who were professional contractors and owners of aerated water factories?

(b) Who are the contractors on the North Western Railway for supplying aerated water and are they professional contractors?

(c) Is it a fact that contractors who were appointed for supplying aerated water on platforms and in running trains of section E of the North Western Railway did not own any aerated water factory at the time when the contract was given to them, i.e., on the 23rd December 1944?

(d) If reply to (c) is in the affirmative, why was this breach of practice and customary rules on this Railway effected in this individual instance?

The Honourable Sir Edward Benthall: (a) Contracts are granted to manufacturers of mineral waters who possess suitable aerated water factories, and are, otherwise, considered suitable for the work.

(b) (i) Messrs. Kanshi Ram Khosla & Madan Mohan of Lahore.

(ii) Messrs. Syed A. & M. Wazir Ali of Lahore.

(iii) Messrs. Teplitz Aerated Water Company of Lahore.

(iv) Messrs. Bliss & Co. of Karachi.

These contractors comply with the conditions for grant of Ice and Aerated Water Contracts.

(c) No.

(d) Does not arise.

Mr. Muhammad Nauman: Is it a fact that Mr. Khosla was a member of the Local Advisory Committee and used his influence to get this contract and that he was not the owner of any aerated water factory at that time?

The Honourable Sir Edward Benthall: He was a member of the Local Advisory Committee but I am not aware that he used any influence. The third part of the question is not correct.

Mr. Muhammad Nauman: He owned no factory whatsoever and he was not doing this as his profession ever in his life.

The Honourable Sir Edward Benthall: That is incorrect.

Mr. Muhammad Nauman: Was a public agitation started last year and has the Honourable Member information of that? Were any inquiries made at that time?

The Honourable Sir Edward Benthall: Yes; the matter lies within the competence of the General Manager; but when these public representations were made last year, I personally looked into the matter very carefully, sent for the original papers and came to the conclusion that there was no reason to interfere with the discretion of the General Manager.

Mr. Muhammad Nauman: Was it pointed out that he made this false allegation, that he owned a factory at that time when he asked for that contract?

The Honourable Sir Edward Benthall: That, Sir, is incorrect.

Mr. Manu Subedar: What is the general policy of Government in the matter of giving out these contracts for catering and are Government aware that the money which they take from the contractor for the privilege of supplying certain things is recouped by him from the public and the public have to pay a higher price?

The Honourable Sir Edward Benthall: This is not a contract for catering.

Mr. Manu Subedar: Do I take it that the prices for aerated waters served to the passengers on railways are exactly the prices at which these aerated waters could be secured outside?

The Honourable Sir Edward Benthall: I should require notice of that; but the prices are regulated.

Mr. Manu Subedar: Was no premium paid at all on this occasion for the privilege of catering?

The Honourable Sir Edward Benthall: Yes; but I should require notice of it to give the figures.

Mr. Manu Subedar: I do not want the figures. I want to know the policy. Why is it that the railway administrations try to make money on things which ultimately the public pays and which does not increase but reduces the conveniences of the travelling public?

The Honourable Sir Edward Benthall: The Government does not necessarily accept the highest tender in these matters; they accept the highest tender from the man best calculated to serve the public.

Mr. Manu Subedar: Do Government see that the prices charged to the passengers for aerated waters are not higher than the prices at which such aerated waters can be secured outside?

The Honourable Sir Edward Benthall: Yes, it is laid down that a licensee shall supply ice and aerated waters to passengers at scheduled rates.

Sri M. Ananthasayanam Ayyangar: What steps are being taken to see that good and decent water is supplied in the aerated waters? Are they inspected from time to time?

The Honourable Sir Edward Benthall: Yes.

Sri M. Ananthasayanam Ayyangar: By whom?

The Honourable Sir Edward Benthall: I would require notice of that.

Sir Muhammad Yamin Khan: Is the Honourable Member aware that the papers concerning this case of Messrs. Khosla were given to him and the evidence and certified copies from Ambala showed that this man never owned a factory and that such papers were really a forgery.

Mr. Muhammad Nauman: A clear case of forgery!

Mr. President: Order, order.

The Honourable Sir Edward Benthall: No; that was the allegation; but the fact of the matter was that the firm in question had control of another factory in Dehra Dun and sufficient control over that factory in question in Ambala to assume control of it when they wanted to.

Sir Muhammad Yamin Khan: May I know that this was a case against an officer of the N. W. R. who had retired and gone to England, that he was involved in this case very badly and that is why the whole of the N. W. R. people were trying to shield and shelve this matter?

The Honourable Sir Edward Benthall: The officer who inspected the factory at Ambala was a certain Muhammad Ibrahim, Senior Assistant Commercial

Officer, who was in no way connected with the officer who retired.

Mr. Manu Subedar: In view of these constant complaints will the Government consider—I do not want an assurance at once—that this sort of thing should be done departmentally instead of being farmed out to the inconvenience of the passengers?

The Honourable Sir Edward Benthall: Yes; the matter has been under consideration and I will consider it again.

Mr. Muhammad Nauman: Will the Honourable Member consider the termination of this contract immediately in view of the facts revealed in this House?

The Honourable Sir Edward Benthall: No; as I have said, I went very carefully into it and came to the conclusion, after a very careful study of all the facts, that we have no reason to interfere with the competence of the General Manager; the firm in question are, I think, giving reasonable satisfaction, at least as good as some of the other contractors.

COMPLAINTS AGAINST CONTRACTORS OF AERATED WATER SUPPLY ON E SECTION OF N. W. RAILWAY

349. *Mr. Tamizuddin Khan: (a) Will the Honourable the Railway Member be pleased to state how many complaints were registered and sent to the North Western Railway Office, about the faulty supply of aerated water against the present contractors of Section E of the North Western Railway?

(b) What is the summary of the complaints received during summer of 1945 against the Contractors of the E Section of the North Western Railway and the report of the action taken by the North Western Railway on such complaints?

(c) If the replies to (a) and (b) are that complaints were received, do Government propose to change them by a new one? If not, why not?

The Honourable Sir Edward Benthall: (a) and (b). Full information is not readily available; it is being collected and will be placed on the table of the House in due course.

(c) No. On the information available the work of the contractors has been, on the whole, satisfactory.

Mr. Muhammad Nauman: Is the Honourable Member aware that the contractor has been fined a few times to the maximum limit of one hundred rupees, which should have terminated his contract automatically but for certain favours which have been showered by him?

The Honourable Sir Edward Benthall: Yes, Sir. Three penalties have been imposed under the agreement.

Sir Muhammad Yamin Khan: Is this the same Mr. Khosla who was mentioned in connection with the previous question?

The Honourable Sir Edward Benthall: It is the same firm and I have just explained that these penalties were imposed as a result of inspection.

Mr. Muhammad Nauman: May I know whether on inspection the aerated water was found medically unsuitable for human consumption?

The Honourable Sir Edward Benthall: A certain amount of sediment was found, I think, in some of the bottles.

Mr. Muhammad Nauman: How many times were they inspected?

The Honourable Sir Edward Benthall: I should require notice of that.

NEW INDUSTRIES DURING WAR IN INDIA

350. *Mr. Vadilal Lallubhai: Will the Honourable Member for Industries and Supplies be pleased to lay on the table of the House a statement as to:

- (i) what new industries came into being in India during the war time;
- (ii) their total capital outlay and production;

(iii) Government attitude towards them, and whether the respective interests were consulted by Government when these industries were started; and

(iv) whether Government chalked out any fixed policy regarding the future of the war time industries; if so, what is its exact nature?

The Honourable Mr. A. A. Waugh: (i) and (ii). A statement of industries which came into existence during the war and figures of production which are available is placed on the table. The list is not exhaustive. Information relating to capital outlay is not available.

(iii) and (iv). The attention of the Honourable Member is invited to the Press Communique issued by Government on the 14th August 1945, a copy of which is placed on the table. I would also refer the Honourable Member to the "Statement of Government's Industrial Policy" published by the Planning and Development Department, copies of which are available in the Library of the House, and to the Government of India, Department of Commerce Resolution No. 218-T-55/45, dated the 3rd November 1945, constituting a Tariff Board, a copy of which is also placed on the table.

The new industries were started by private enterprise in consultation with Government.

Industries which came into being during the war and figures of production

Industry	Production per annum approximate
1. ALKALI Industry—	
Caustic Soda	4,500 tons
Bleaching Powder	7,500 "
Liquid Chlorine	1,800 "
2. Soda ash and Sodium Bicarbonate	7,500 & 1,500 tons respectively.
3. Potassium Chlorate	1,600 tons.
4. Sodium Sulphate	3,000 "
5. Bichromates	5,000 "
6. Chromic acid	100 "
7. Fine Chemicals—	
Aceton	800 "
Oxalic Acid	100 "
8. Miscellaneous Chemicals—	
Sodium Thiosulphate	1,000 "
Sodium Sulphite	500 "
Chlorosulphonic Acid	25 "
Zinc Chloride	1,000 "
Calcium Chloride	1,000 "
Barrium Chloride	100 "
Lead Acetate	200 "
9. Waterproofing Compound	200 "
10. Refining of non-ferrous scrap White Metal	Total output not known.
11. Lead Pipes	350
12. Aluminium	1,500 "
13. Water Fittings	100,000 Numbers.
14. textile Machinery Looms and spindles	Total output not known.
15. Electrical Accessories—	
Black Adhesive tapes	40 tons.
Conduit Pipes and 'D' class signalling cables	Total output not known.
16. Pressure oil lamps	36,000 Numbers.
17. Stoves	60,000 "
18. Scientific Instruments	Total output not known.
19. Grinding wheels	310 tons.

NOTE:—The list is not exhaustive.

Press Note, dated 14th August 1945

There is some natural anxiety among producers and manufacturers that the end of the war and the cancellation of orders for war supplies may mean the end of the assistance which they have had from Government in obtaining materials and other resources, and with transport, for the production of war supplies. Government wish, therefore, to reassure producers and manufacturers that, so long as the various Controls remain in force, they will endeavour to give assistance for the production of civil supplies in the same way as previously of war supplies, by provisioning and allocating essential materials, such as coal, steel, cement and timber, procuring capital equipment and tools, obtaining transport priority, etc. Government have instructed the Directorates in the Department of Supply that such assistance must continue, for the restoration of industry, its conversion from war to peace, and for its expansion. Producers and manufacturers should, therefore, apply to the appropriate Directorate for the assistance they require, in order to get their shares in the allocation of available materials, etc.

For the procurement of stores to meet post-war Government requirements, the policy of Government is to 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. While commodities paid for from the public purse must in general be the best that can be produced at the price, it is the aim of Government to establish continuity of procurement from industries which maintain a consistent performance, and which pay attention to new modifications and developments. To this end Government will assist with technologists and training, where welcomed, or in procuring technical knowledge and assistance.

DEPARTMENT OF COMMERCE

RESOLUTION

TARIFFS

New Delhi, the 3rd November 1945

No. 218-T (55)/45.—In the statement on industrial policy issued by the Government of India on the 23rd April 1945, it was announced that, pending the formulation of a tariff policy appropriate to the postwar needs and conditions of the country and the establishment of permanent machinery for the purpose, Government would set up machinery for investigating claims from industries, which have been started or developed in war time and which are established on sound lines, to assistance or protection during the transition period. A press communiqué issued on the same date invited industries to address their claims to the Secretary to the Government of India in the Department of Commerce.

2. Several industries have accordingly applied for assistance or protection, and on a preliminary examination of their claims, the Government of India have come to the conclusion that applications submitted by the following industries call for a detailed examination :—

- (i) non-ferrous metals, including antimony;
- (ii) grinding wheels;
- (iii) caustic soda and bleaching powder;
- (iv) sodium thiosulphate, sodium sulphate anhydrous, sodium bisulphite;
- (v) phosphates and phosphoric acid;
- (vi) butter colour, aerated water powder colour;
- (vii) rubber manufactures;
- (viii) fire hose;
- (ix) wood screws;
- (x) steel hoops for bailing.

Other applications are under the consideration of Government, and further action in their case will be taken in due course.

3. In addition to the industries which have applied for assistance or protection, there are certain industries the starting of which was considered essential by the Government of India under conditions created by the war. Early in 1940, Government announced that specified industries promoted with their direct encouragement during war-time might feel assured that, if they were conducted on sound business lines, they would, by such measures as Government might devise, be protected against unfair competition from outside India. In accordance with this decision, the following industries have been given assurance of protection against unfair competition after the war :—

- (i) bichromates;
- (ii) steel pipes and tubes up to a nominal bore of 4 inches;
- (iii) aluminium;
- (iv) calcium chloride;
- (v) calcium carbide;
- (vi) starch.

Of these industries, only those engaged in the manufacture of bichromates, calcium chloride and starch have so far applied for assistance or protection during the transition period. The Government of India consider that the applications submitted by these three industries also call for immediate investigation.

4. For the purpose of these and any subsequent investigations, the Government of India have decided to set up a Tariff Board for a period not exceeding two years, in the first instance. The Board will consist of:—

President

Sir R. K. Shanmukham Chetty, K.C.I.E.

Members

Mr. C. C. Desai, C.I.E., I.C.S.

Prof. H. L. Dey, D.Sc. (London).

The Board will include one more Member whose name will be announced shortly. Mr. Desai will act as Secretary to the Board in addition to his duties as Member.

5. The Tariff Board is requested to undertake, in such order as it thinks fit, the investigation of claims put forward by the industries specified in paragraphs 2 and 3 above. In the case of each industry the Board will, after such examination as it considers necessary, report whether the industry satisfies the following conditions:—

(1) that it is established and conducted on sound business lines; and

(2) (a) that, having regard to the natural or economic advantages enjoyed by the industry and its actual or probable costs, it is likely within a reasonable time to develop sufficiently to be able to carry on successfully without protection or State assistance; or

(b) that it is an industry to which it is desirable in the national interest to grant protection or assistance and that the probable cost of such protection or assistance to the community is not excessive. Where a claim to protection or assistance is found to be established i.e., if condition (1) and condition (2) (a) or (b) are satisfied, the Board will recommend—

(i) whether, at what rate and in respect of what articles, or class or description of articles, a protective duty should be imposed;

(ii) what additional or alternative measures should be taken to protect or assist the industry; and

(iii) for what period, not exceeding three years, the tariff or other measures recommended should remain in force.

In making its recommendations the Board will give due weight to the interests of consumer in the light of the prevailing conditions and also consider how the recommendations affect industries using the articles in respect of which protection is to be granted. Since relief, to be effective, should be afforded without delay, the Board is requested to complete its enquiries with all possible expedition and to submit a report as soon as the investigation of the claim of each industry is concluded.

6. The headquarters of the Board will be at Bombay, but it will visit such other places as it thinks necessary for purposes of its enquiries. Firms and persons interested in any of these industries, or in industries dependent on the use of the products of these industries, who desire that their views should be considered, should address their representations to the Secretary to the Board.

7. Any claims hereafter received from other industries which in the opinion of the Government of India are suitable for examination by the Board will be referred to the Board in due course for examination.

8. The Government of India trust that Provincial Governments and Administrations will afford the Board all the assistance which it may require and will comply with any request for information which may be addressed to them by it.

ORDER

ORDERED that a copy of this Resolution be communicated to all Provincial Governments, all Chief Commissioners, the several Departments of the Government of India, the Political Department, the Private and Military Secretaries to His Excellency the Viceroy, the Central Board of Revenue, the Auditor General, the High Commissioner for India in London, the Economic Adviser to the Government of India, the Director of Commercial Intelligence, Calcutta, the Indian Trade Commissioner, London, the Indian Government Trade Commissioners at New York, Buenos Aires, Toronto, Alexandria, Mombasa, Tehran and Sydney, His Majesty's Trade Commissioner in India, the American Consulate General, Calcutta, the Canadian Trade Commissioner in India, the Australian Trade Commissioner in India, the Secretary, Tariff Board, Bombay and all the recognised Chambers of Commerce and Associations.

ORDERED that a copy be communicated to the Government of Burma.

ORDERED also that it be published in the *Gazette of India*.

N. R. PILLAI, Secy.

Mr. Vadilal Lallubhai: Is it a fact that the chemical manufacturers and the industry were not consulted when the plants for sulphuric acid and caustic soda were distributed to the various parties?

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

Prof. N. G. Ranga: May I know whether any assurances were given when money was put in these industries?

The Honourable Mr. A. A. Waugh: In certain cases an assurance of protection was given.

Mr. Vadilal Lallubhai: Will the Honourable Member give the names of the parties to whom the plants were distributed, for sulphuric acid and caustic soda?

The Honourable Mr. A. A. Waugh: I can find out if the Honourable Member wishes. I have not got the information with me.

Prof. N. G. Ranga: Will the Honourable Member ascertain the facts and place them on the table as to in what cases such assurances have been given?

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

Sri M. Ananthasayanam Ayyangar: How many of these industries could be said to have been started for war purposes and how many of them for ordinary civil needs in peace time?

The Honourable Mr. A. A. Waugh: Practically all of them.

Mr. Manu Subedar: Will the Honourable Member make an inquiry and find out how many of them are now functioning fully and how many are partially functioning and how many have stopped in order to enable Government themselves to carry out the various assurances he mentioned? Will he please make an inquiry?

The Honourable Mr. A. A. Waugh: I can make an inquiry about any specific industry which the Honourable Member has reason to think is suffering from unemployment, but so far as my information goes they are practically all working fully.

Sri M. Ananthasayanam Ayyangar: How many of these new industries were started by Government and how many by private enterprise?

The Honourable Mr. A. A. Waugh: They were all started by private enterprise with encouragement from Government.

Sri M. Ananthasayanam Ayyangar: May I know whether the Central Government or the Provincial Governments started any industries directly?

The Honourable Mr. A. A. Waugh: I cannot say for the Provincial Governments but the Central Government did not start new industries and run them themselves.

Sri M. Ananthasayanam Ayyangar: Is it a fact that in the various ordnance factories various articles were produced both for war purposes and also for other than actual field purposes?

The Honourable Mr. A. A. Waugh: The ordnance factories produced new types of munitions and armaments and they also produced civil goods, particularly for the Railways.

Sri M. Ananthasayanam Ayyangar: How are those originally engaged in the production of munitions, etc., and now no longer producing them, now switched on to other industries? Is it a fact that some of them have been closed?

The Honourable Mr. A. A. Waugh: So far as my information goes, none of them has been closed.

Sri M. Ananthasayanam Ayyangar: May I draw the Honourable Member's attention to one ordnance factory which was making bombs. Now that bombs are not useful, except for throwing them on the civilian population of this country, what use is made of such a factory?

The Honourable Mr. A. A. Waugh: That factory is making steel castings, which are very scarce at present.

Prof. N. G. Ranga: In regard to these ordnance factories where many commodities were made for the army, what steps are being taken to see that these factories are kept going in order of produce consumer goods for the day to day human needs?

The Honourable Mr. A. A. Waugh: They are producing civilian goods and I have received no complaints.

SHIFTING OF PATNA DEAD LETTER OFFICE

351. *Mr. Madandhari Singh: Will the Secretary for Posts and Air be pleased to state if it is a fact that the Dead Letter Office stationed at Patna (Bihar) has been shifted to some other place? If so, why?

Sir Gurunath Bewoor: The Dead Letter Office, Calcutta, was temporarily moved to Patna on account of conditions created by the war but has now been moved back to its original location.

The question of opening a separate Dead Letter Office at Patna is, however, now being pursued.

Lt.-Col. Dr. J. C. Chatterjee: Is it a fact that the number of dead letters is increasing so vastly that they are now almost more than live letters and because of that the selection of a second place for a dead letter office is being considered?

Sir Gurunath Bewoor: The answer to the first part is in the negative. As regards the second part, it is merely a matter of administrative convenience.

Mr. Muhammad Nauman: In view of the housing difficulties in Calcutta, why was it considered necessary to shift this office from Patna to Calcutta, although there were facilities in Patna?

Sir Gurunath Bewoor: The Dead Letter Office was stopped by people who belonged to Calcutta and it was moved from Calcutta because of the danger of bombing by the enemy. When that danger passed, the office was moved back to Calcutta, the staff being mostly residents of Calcutta. It is not a fact that they were properly housed and fed in Patna. They were suffering great difficulties both as regards housing and office accommodation.

Lt.-Col. Dr. J. C. Chatterjee: Were the dead letters considered so precious that bombing would have done them harm?

Sir Gurunath Bewoor: The staff also would have suffered.

CONTROL OF TELEPRINTER LINES FROM ALLAHABAD TO JUBBULPORE

352. *Shri Satya Narayan Sinha (on behalf of **Seth Govind Das**): Will the Secretary for Posts and Air be pleased to state:

(a) whether he is aware of the fact that there are about seven or eight teleprinter lines from Allahabad to Jubbulpore and that these are under Military control;

(b) whether of late only four or five of these lines are being used by the military and the rest have been given up by them;

(c) whether the lines which have been given up are shortly to be dismantled; and

(d) whether he is prepared to divert these lines to civilian use by handing them over to news agencies who at present have the teleprinter lines at other places?

Sir Gurunath Bewoor: (a) and (b). At present out of six telegraph circuits recently provided between Allahabad and Jubbulpore, one is available for the use of the Posts and Telegraphs Department, the remainder being military. None have been given up by the military.

(c) Does not arise.

(d) When applications are received for the use of these circuits for other purposes, Government will consider the matter.

Sri M. Ananthasayanam Ayyangar: How many of these circuits are likely to be released in the whole of India from the Military Department in the near future?

Sir Gurnath Bewoor: This question relates to circuits between Allahabad and Jubbulpore. There are numerous circuits all over India and the Military are releasing them as and when they are no longer required.

Sri M. Ananthasayanam Ayyangar: What does the Department propose doing with the released sets?

Sir Gurnath Bewoor: They will be used for the handling of public traffic.

Seth Yusuf Abdoola Haroon: Is it a fact that some circuits which have been released by the American authorities have been transferred to the British military authorities?

Sir Gurnath Bewoor: I have no information at all. I do not know if the Americans had any circuits. If they had, they would have taken it from the Posts and Telegraphs Department.

Seth Yusuf Abdoola Haroon: They had it from the Posts and Telegraphs Department and instead of being transferred to civilian use, they are being taken over by the military authorities. Will the Honourable Member look into the case?

Sir Gurnath Bewoor: I will look into the matter. I have no information.

HANDICAP TO C. P. & CENTRAL INDIA IN SUPPLY OF NEWS

353. *Shri Satya Narayan Sinha (on behalf of Seth Govind Das): Will the Secretary for Posts and Air please state:

(a) whether Government are aware that the Central Provinces and Berar and the Central India are suffering from a handicap in the prompt supply of news;

(b) whether Government are aware that due to the lack of teleprinter service the newspapers of these Provinces cannot stand competition with the newspapers of other Provinces surrounding them, viz., Madras, Bombay, Calcutta, Allahabad and Delhi;

(c) whether all the Provinces and territories in the country are entitled to the same facilities and amenities which are available for only few at present;

(d) what steps Government propose to take to remove these handicaps, and within what time; and

(e) the reasons for their having neglected the matter so far?

Sir Gurnath Bewoor: (a) and (e). Government do not admit any neglect as alleged. Hitherto the only application received for improved facilities for the supply of news in the Central Provinces and Berar was from a news agency asking for a teleprinter channel between Bombay and Nagpur, which is not yet available.

(b) Government have no information.

(c) and (d). When applications are received for such facilities, they will be given due consideration with reference to the facilities available.

LICENSING OF COOLIES ON RAILWAY STATIONS

354. *Seth Govind Das: (a) Will the Honourable the Railway Member be pleased to state if it is a fact that Railway Authorities have now decided to introduce contract system for the licensed coolies on Railway stations by giving their supervision to contractors? If so, why?

(b) Is there any particular set of rules, under this contract system, which prescribe for the licensed coolies on Railway stations, the rates of their admission fee, their daily or monthly subscription and their charges from the travelling passengers?

The Honourable Sir Edward Benthall: (a) No. The system of supervision of licensed coolies by contractors is a very old one and has been in force at many railway stations for a long time.

(b) The rules governing the contract system for licensed coolies are prescribed by individual Railway Administrations and are included in the agreements with the contractors. These rules vary in detail on different Railways.

Mr. Muhammad Nauman: Is it a fact that these contractors are mostly retired railway officers, that they charge more and squeeze more money out of these coolies than what they are expected to take under the agreement?

The Honourable Sir Edward Benthall: I do not think that is the case.

Mr. Muhammad Nauman: As a large number of complaints have been received, will the Honourable Member make enquiries?

The Honourable Sir Edward Benthall: A certain number of complaints have been received, but not on that particular point.

Mr. Manu Subedar: May I know if Government will overhaul the whole system and remove the contractors? Why is it found necessary to interpose the contractors who rob the poor workers on the one hand and impose a larger burden on those of us who have to travel by making us pay more than we should.

The Honourable Sir Edward Benthall: One of the reasons is that the poor workers referred to are often accused of robbing the public and the contractor is there to intervene between the public and the railway administration. I should like to add that I rather welcome this question, it brings the question to my notice and I am glad to have the opportunity of looking into the whole question.

Lt.-Col. Dr. J. C. Chatterjee: Is it a fact that at the Delhi Railway station, the cooly has to pay at least four annas

Sreejot Bohini Kumar Choudhuri: Sir, may I point out that the view has often been expressed that the term 'cooly' is unparliamentary? That is not allowed in Assam Legislative Assembly.

Lt.-Col. Dr. J. C. Chatterjee: Then, I shall use the word 'gentlemen'. Is it a fact that these gentlemen who are kind enough to carry luggage at the railway stations are recruited by contractors and at the Delhi Railway station they are forced to pay four annas a day out of their earnings to the contractors?

The Honourable Sir Edward Benthall: No, Sir. These gentlemen who are privileged to carry luggage are paying in certain railways two annas per day to the contractor, and of course, the contractor in his turn has to provide them with uniforms, badges, buckles, etc.

Lt.-Col. Dr. J. C. Chatterjee: Will the Honourable Member therefore enquire whether at the Delhi station, it is not two annas but four annas and even more is given to the contractor, because these gentlemen have always to pay a great deal more for the use of handcarts?

The Honourable Sir Edward Benthall: I do not think it is profitable to examine this question further in detail on the floor of the House because as I have said, I welcome the opportunity to go into it both from the point of view of the system as a whole and also with the object of introducing uniformity throughout the railways and finally with the object of seeing whether it will assist in providing more direct employment to the existing railway employees.

Sjt. N. V. Gadgil: Is the Honourable Member aware of the fact that because of this introduction of contract system, in Kalyan, Dadar and Poona stations, the coolies have gone on strike for the last six weeks?

The Honourable Sir Edward Benthall: Yes, Sir.

Sjt. N. V. Gadgil: Does the Honourable Member propose to do anything in the matter?

The Honourable Sir Edward Benthall: I have been looking into it. I propose looking into it further.

ADULTERATED FOOD SUPPLY TO RAILWAY EMPLOYEES OF DINAPUR SECTION

355. *Choudhury Md. Abid Hussain: (a) Will the Honourable the Railway Member be pleased to state if he is aware of the fact that a large number of Railway employees of the Dinapur Section, East Indian Railway, is suffering

from different diseases owing to the adulterated food supplied to them by the Railway Grain Shops?

(b) Is he aware that about a thousand Railway employees of that section died out of those diseases? If so, will he please give the exact figure of deaths?

(c) Have Government made any enquiry about it and taken any measures to improve the condition? If not, why not?

The Honourable Sir Edward Benthall: (a) The actual facts are that early in November 1945, there was an outbreak of epidemic dropsy in Dinapore Section, East Indian Railway, which, on enquiry was attributed to the existence of a percentage of Argemone oil in the mustard oil sold. A sample of the oil had been previously examined at the Patna Public Health Laboratory and the matter is still under investigation.

(b) No. Government are informed that upto 1st December 1945, eleven deaths took place, eight at Jhajha and three at Dinapore.

(c) The reply to the first portion is in the affirmative; the latter portion does not arise.

Mr. Muhammad Nauman: May I know if these eleven cases of deaths include the children of the families of the employees who have died?

The Honourable Sir Edward Benthall: I think it is eleven *in toto*, but I will enquire into it.

Mr. Muhammad Nauman: Is it possible that these eleven are only employees who died, but that probably more members belonging to the families of these employees died, probably more than 30 died?

The Honourable Sir Edward Benthall: It is quite possible. The answer I have here certainly refers to employees.

Mr. Muhammad Nauman: What action do Government propose to take against the contractor who has supplied this oil?

The Honourable Sir Edward Benthall: The oil was supplied by the Behar Government and was supposed to have been examined in the Patna laboratory and certified free from injurious matter but it appeared later on that it was contaminated to the extent of causing death.

Mr. Muhammad Nauman: Will the Government prosecute the officials if the oil was supplied by Government?

The Honourable Sir Edward Benthall: That is still under investigation.

Sri M. Ananthasayanam Ayyangar: In view of the fact that nearly ten crores worth of provisions are being purchased and distributed to railway servants every year, may I know what steps are being taken, in view of this experience, to inspect these articles and find out whether they are in a fit condition to be eaten?

The Honourable Sir Edward Benthall: Inspection does take place of all articles and where necessary, they are cleaned and made fit for consumption. In this particular case, as I have explained it was also examined by the Patna laboratory.

Sri M. Ananthasayanam Ayyangar: Is there any special Health Officer to inspect these foodgrains from time to time in various sections?

The Honourable Sir Edward Benthall: Medical officers of railways.

Sri M. Ananthasayanam Ayyangar: What special qualifications do Medical officers of railways have to inspect the quality of foodgrains and provisions?

The Honourable Sir Edward Benthall: Ordinary inspection by the foodgrain establishment of railway staff, in addition. But in all these cases, we have to rely on the quality of foodgrains supplied to us by provincial Governments.

Sri Mohan Lal Saksena: Was any compensation paid to the dependants of the deceased?

The Honourable Sir Edward Benthall: I want notice. But all these men who were affected by this particular consignment were treated as if they were on extraordinary leave with pay. I cannot tell you what compensation was paid to the dependants of those who died.

**INADEQUATE RATES OF DEARNESS AND WAR ALLOWANCES IN POSTS AND
TELEGRAPHS DEPARTMENT**

356. *Choudhury Md. Abid Hussain: (a) Will the Secretary for Posts and Air be pleased to state the percentage rate of dearness and war allowances sanctioned to the non-gazetted staff in the Posts and Telegraphs Department in India?

(b) Are Government aware of the fact that there is great discontent among the staff owing to this meagre relief? Do Government propose to consider the matter and revise the present rates of the allowances? If not, why not?

(c) Do Government propose to revise the existing scale of pay? If not, why not?

Sir Gurunath Bewoor: (a) A statement containing the information is placed on the table of the House.

(b) Government are aware of demands for an increase in the rates and the question is under examination.

(c) As the House is aware, Government intend to appoint a commission to examine the whole question of the scales of wages of all Central Government servants and allied matters.

Statement showing percentages on basic pay (revised scale) of war allowance or dearness allowance including good conduct pay granted to non-gazetted staff in Indian Posts and Telegraphs Department

Classes of Officials	Percentage of dearness allowance including Good Conduct Pay or War allowance
1. Boy peons etc.	From 263 % to 177 %
2. Runners	„ 225 % to 124 %
3. Packers, Porters etc.	„ 169 % to 131 %
4. Daftries, Jamadars etc.	„ 135 % to 88 %
5. Postmen etc.	„ 117 % to 72 %
6. Head Postmen etc.	„ 77 % to 38 %
7. Carpenters, Painters etc.	„ 131 % to 58 %
8. Mistris etc.	„ 70 % to 24 %
9. Conservancy Inspectors etc.	„ 73 % to 35 %
10. Clerks, Sorters etc.	„ 62 % to 22 %
11. Sub-Inspectors	„ 77 % to 25 %
12. Line Inspectors	„ 30 % to 22 %
13. Telegraphists	„ 60 % to 23 %
14. Supervisors	„ 34 % to 17½ %
15. Wireless Operators	„ 45 % to 17½ %
16. Assistant Firemen etc.	„ 27 % to 17½ %
17. Telegraph-Master } 18. Foremen } 19. Selection Grades }	„ 17½ % { Not entitled to good conduct pay.

Mr. Manu Subedar: May I enquire whether in view of the present distress both in quality and quantity of foodgrains and in the high price of the same, something immediately will not be done as suggested in part (b) of the question in order to give relief to this class of people?

Sir Gurunath Bewoor: I have said that the matter is under examination.

Mr. Manu Subedar: Will the examination be completed before the threatened distress of famine arises in this country?

Sir Gurunath Bewoor: I have stated that the matter is under active consideration and examination. The Honourable Member is aware that I have been dealing with this matter during the last ten or fifteen days. It is not a simple matter. It is not easy straightaway to come to a final decision. All I can say is that it is under active consideration and I will see that a decision is arrived at and communicated as soon as possible.

Mr. Manu Subedar: Will the Honourable Member give an assurance that relief will reach these people in a matter of weeks from now?

Sir Gurunath Bewoor: I will do it as soon as possible. I cannot give any assurance of a definite date.

Seth Yusuf Abdoola Haroon: May I draw the attention of the Honourable Member to the notice of a strike given by the employees urging that if dearness allowance is not paid, they will go on strike from 1st March.

Sir Gurunath Bewoor: I have mentioned that certain notices have been given and we hope to be able to give a reply to these people as soon as possible.

Seth Yusuf Abdoola Haroon: Will it be before 1st March, that is before they go on strike?

Sir Gurunath Bewoor: I am afraid I cannot agree that under threat of a strike, Government must come to a decision. I think it is extremely undesirable in the present critical state of the country to encourage any such move. I have said that the matter is under active consideration and every effort will be made to give such relief as Government consider justifiable. But if any relief is given under a threat, I think it would be an extremely unwise decision.

Mr. Manu Subedar: May I know whether Government will leave aside the question of prestige in relation to so-called threats, and merely think of the very acute distress to this particular class of employees, who have to bring up their families—sons and daughters—on a meagre salary?

Sir Gurunath Bewoor: Yes, Sir. I entirely agree with the Honourable Member.

Seth Yusuf Abdoola Haroon: Is it a fact that these notices have been given four months back and since the last four months, this matter has been under consideration of the Honourable Member?

Sir Gurunath Bewoor: We have received representations from time to time, but if the Honourable Member is referring to the threat of a strike, I mentioned in this House when the Honourable Member was not present here that the only notice we received so far was from the All India Postmen and Lower Grade Staff Union.

Sri Mohan Lal Saksena: What action was taken on these repeated representations?

Sir Gurunath Bewoor: They were all considered and various replies were given, and such relief as could be given was given from time to time and in the case of such demands as were considered unjustified, the Unions were told that they were not considered justified.

Sjt. N. V. Gadgil: Will the Honourable Member consider this matter as if it is an express communication under the express delivery or like a telegraphic message?

Sir Gurunath Bewoor: Yes, Sir.

(b) WRITTEN ANSWERS

MANUFACTURE OF BOILERS FOR RAILWAYS AND WORKSHOPS IN INDIA

357. *Sri M. Ananthasayanam Ayyangar: Will the Honourable the Railway Member be pleased to state:

(a) how many boilers for Railway engines and workshops have been manufactured in India during the past year, how many have been supplied to Railways, and how many were imported from abroad last year from the United Kingdom and from the United States;

(b) if any boilers, engines or wagons have been brought into this country by way of lend-lease from America during the period of the war; if so, how many under each head;

(c) if any attempt has been made to place orders in America for some more of the above stock, pending the production of similar articles in India by indigenous industry; and

(d) the relative hauling capacity of the biggest locomotives brought out to India from America on lend-lease or otherwise, and how it compares with other locomotives engaged on the same type of work so far in India?

The Honourable Sir Edward Benthall: (a) During 1945, seven broad gauge locomotive boilers were constructed in the B.B. and C.I. Railway's workshops at Ajmer in connection with the construction of XT/1 locomotives for the North Western Railway. 99 boilers were imported from abroad of which 35 were from the United Kingdom and 64 from the United States of America.

(b) Yes; 30 boilers, 888 locomotives and 12,923 wagons were received in India under lend-lease arrangements. Out of the above, 489 locomotives and 11,533 wagons were on War Department and SEAC account.

(c) No.

(d) The hauling capacity of the largest locomotives brought out to India from America is practically the same as that of the XE heavy goods locomotives already in use on Indian Railways, and it is capable of the same type of work.

PURCHASE OF MACHINERY FOR LOCOMOTIVE MANUFACTURING PLANT

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

(a) if any machinery has been ordered for setting up a locomotive manufacturing plant at Kanchrapara, either from the United States or from the United Kingdom;

(b) if any tenders have been called for from firms in those countries before such orders were placed;

(c) if no orders have been placed so far, how Government propose to proceed in the matter with a view to purchasing the machinery in the cheapest market; and

(d) if the Standing Finance Committee for Railways passed a resolution last year for purchases being made in the cheapest market consistent with quality; if so, what steps are being taken by the Railway Department to implement the same?

The Honourable Sir Edward Benthall: (a) Yes. An order has been placed for fourteen machines costing Rs. 16 lakhs.

(b) No.

(c) Does not arise.

(d) The Standing Finance Committee's recommendation stated "that having regard to the possible increase in cost in the United Kingdom as a result of the lifting of the war time controls, the Railway Board should review the position from time to time in order to ensure that the most economical arrangements were made by purchases from any country with due regard to the requirements of the Indian Railways". No machinery for Kanchrapara has been ordered subsequent to this recommendation by the Standing Finance Committee. In placing further orders, this recommendation will be implemented.

CAPACITY OF PROPOSED LOCOMOTIVE FACTORY AT KANCHRAPARA.

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

(a) by what time the locomotive manufacturing plant will be set up finally for production at Kanchrapara, and when it is expected that the first engine will roll out of the workshop;

(b) the proposed capacity of the factory at Kanchrapara, and the number of engines required annually on an average by the various Railway Administrations in India; and if there is a deficiency in production, how it is proposed to be met; and

(c) if any locomotives have been manufactured in the workshop at Ajmer; if so, how many during the past five years; and whether the production is sufficient to meet the demands of all Indian State Railways, if not, whether it is proposed to enlarge its capacity or set up other shops in other parts of India?

The Honourable Sir Edward Benthall: (a) A sufficiently accurate forecast can only be made after the delivery dates for the machinery are known. Some of the machines may not be delivered until 1948 but indications are that production could be commenced prior to the receipt of all machinery.

(b) The proposed capacity of the Kanchrapara locomotive building shop is 80 average sized steam locomotives per annum. The average annual requirements of locomotives, B. G. and M. G., are 200. As far as can be seen at present, indigenous manufacturing capacity for steam locomotives will fall short of requirements by about seventy per annum.

Before decisions can be taken to build a third plant to manufacture steam locomotives, it is necessary to know with some certainty the number of electric and diesel locomotives which will be required as a result of the five-year development programmes which are now under scrutiny.

(c) Locomotives have been manufactured in the B.B. and C.I. Railway workshops at Ajmer. The number manufactured in the past 5 years is 15. The production is not sufficient to meet the demands of all Indian Government Railways. It is not proposed to enlarge its capacity. The remaining part of the question has been answered under (b).

CONSTRUCTION OF DACCA-ARICHA RAILWAY

360. *Mr. K. C. Neogy: (a) Will the Honourable the Railway Member be pleased to state whether the question of construction of Dacca-Aricha Railway line has been revived as a part of post-war schemes of Railway extension?

(b) Will the Honourable Member be pleased to state the circumstances in which the proposal for the construction of this line came to be approved by the Railway Department a few years back and the circumstances in which the construction of this line was given up, indicating the different stages through which the project had already passed before it was given up, and the total cost of the Railway Department that it had already entailed before the project was given up?

(c) Is the Honourable Member aware that a strong support exists in the localities concerned in favour of this project and that great resentment was caused among the people of Eastern Bengal as a result of the abandonment of the project?

The Honourable Sir Edward Benthall: (a) The revival of the question of the construction of Dacca-Aricha railway was considered in consultation with the Government of Bengal. On the advice of the Provincial Government it was decided that the proposal need not be revived for the present.

(b) The construction was approved in 1928 as the traffic and engineering reports on the project were favourable and the Government of Bengal lent their support. When the Government of Bengal withdrew their support, the project was abandoned in 1933. Approximately Rs. 2½ lakhs had been spent before the project was given up.

(c) Government are aware of the disappointment referred to but consider the reasons which caused the Government of Bengal to come to their decision to be paramount.

POSTS UNDER THE POST-WAR SCHEME IN THE CIVIL AVIATION DEPARTMENT

361. *Sardar Mangal Singh: Will the Secretary for Posts and Air please state:

(a) the number of posts in Civil Aviation Department carrying Rs. 750 and over under the post-war scheme; and

(b) out of them how many are to be filled by Indians?

Sir Gurunath Bewoor: (a) The posts provided in the Civil Aviation Department under the post-war schemes are given in the various post-war plans for Civil Aviation, copies of which are available in the Library of the House. Specific number and scales of pay are under examination.

(b) All posts will be filled by Indians, subject to suitable men being available.

NUMBER AND ROUTES OF CIVIL AIR SERVICES

362. *Diwan Chaman Lall: Will the Secretary for Posts and Air be pleased to state:

(a) the number and routes of Civil Air Services in existence at the present day, and the period of their existence;

(b) the number of flying clubs and the nature of the service they render;

(c) the nature of management (whether European or Indian) of each of the services and the clubs referred to in (a) and (b);

(d) whether Government have in contemplation expansion of Air Service (Civil) in the immediate future; if so, the nature of the proposed expansion, giving details of routes, composition of services and the approximate time for giving effect to such expansion;

(e) whether Government have taken steps for the creation of an Air Transport Licensing Board, the nature of rights with which they are proposed to be clothed and the nature of duties with which they are proposed to be entrusted; and

(f) the Government policy with regard to post-war planning for Civil Aviation in the country?

Sir Gurunath Bewoor: The Honourable Member is referred to the reply given by me on the 8th February 1946, to starred question No. 128, put by **Mr. Sasanka Sekhar Sanjal.**

PURCHASE OF NATIONAL SAVINGS CERTIFICATES BY PAPER MERCHANTS

363. *Diwan Chaman Lall: (a) Will the Honourable Member for Industries and Supplies please state whether it is a fact that in a Conference held between the Assistant Director of Civil Supplies (Paper Branch), Delhi, and the paper merchants it was decided that every paper merchant would purchase National Savings Certificates for Rs. 2,000 each?

(b) Is it a fact that the said Assistant Director of Civil Supplies ignoring that decision demanded from every paper merchant to purchase National Savings Certificates for Rs. 4,000 under a threat of withholding all export permits in case any paper merchant did not obey the orders of the said Assistant Director of Civil Supplies?

(c) If the answer to (a) and (b) be in the affirmative, under whose instructions did the said Assistant Director of Civil Supplies act in the manner described above?

The Honourable Mr. A. A. Waugh: (a) No, Sir. What happened was that at a meeting called by the Assistant Director of Civil Supplies (Paper Branch), Delhi, paper merchants were requested to purchase National Savings Certificates to the maximum amount possible.

(b) No, Sir. Some of the merchants offered to purchase certificates for amounts varying from Rs. 10 to Rs. 5,000.

(c) Does not arise. It has been made clear to officers by the Chief Commissioner, Delhi, that no coercion should be used for encouraging the purchase of National Savings Certificates.

INDISCRIMINATE ALLOTMENT OF FINE AND SUPERFINE CLOTH TO DELHI DEALERS

364. *Diwan Chaman Lall: (a) Will the Honourable Member for Industries and Supplies please state whether Government are aware that the ration shop dealers of Delhi are allotted bales of fine and superfine cloth indiscriminately with the result that one dealer gets more bales than what he is entitled to?

(b) Do Government propose to effect some improvement in the system of distribution of fine and superfine cloth to ration shop keepers in Delhi?

The Honourable Mr. A. A. Waugh: (a) The allotment of fine and superfine cloth to ration shop dealers is not made indiscriminately. On account of the small proportion of fine and super fine cloth, and particularly of *mull* and *latha*, it has not been found possible to make an allotment regularly to every dealer. However, the cases of dealers who have not received an allotment of these varieties in any particular month are considered during the subsequent month or months.

(b) The distribution of fine and superfine cloth will be made as evenly as possible having regard to the needs of the locality which each ration shop serves.

DEMANDS OF THE POSTS AND TELEGRAPHS UNIONS

365. *Mr. Sasanka Sekhar Sanyal: Will the Secretary for Posts and Air be pleased to state:

(a) whether the attention of the Government has been drawn to the A.P.I. report which appeared on the front page of the *Hindustan Times* of Delhi on the 4th February, 1946, under the caption "Postal employees threaten strike" intimating that the All-India Federation of Posts and Telegraph Unions through their President, Diwan Chamanlal, M.L.A., have communicated to the authorities the demands of the employees;

(b) the nature of the demands so communicated and the reaction of the Government to the same; and

(c) whether the attention of the Government has been drawn to the booklet styled as "Hungry Postal Employee", 1945, and to the contents thereof; if so, the attitude of Government to the claims and demands contained therein?

Sir Gurnath Bewoor: (a) Yes.

(b) The demands relate to the abolition of the new scales of pay, revision of the old scales of pay, fixation of dearness and war allowances on a sliding scale, guarantee against retrenchment and premature retirement, modification of the existing pension system, reduction of duty hours, special insurance, and the publication of the Bombay Postal Enquiry Committee's Report. As indicated by me in the course of the debate in the House on the 7th February 1946, Government are appointing a Commission to examine the whole question of scales of wages and allied matters for all Central Government employees. The other demands are under examination.

(c) The reply to the first part is in the affirmative; as regards the latter part, this is covered by my reply to part (b).

COMMUNAL REPRESENTATION IN THE ACCOUNTS AND FINANCE DIRECTORATES OF RAILWAY BOARD

366. *Mr. Hafiz Mohammad Abdullah: (a) Will the Honourable the Railway Member please lay on the table a statement showing the number of Hindus and Muslims working as—(i) Joint Directors, (ii) Deputy Directors, (iii) Superintendents, (iv) Senior Accountants, and (v) Junior Accountants, in the Accounts and Finance Directorates of the Railway Board?

(b) If the statement shows that Muslims are not represented in any of the categories mentioned in (a) above, will the Honourable Member please state what steps he proposes to take to give the Muslims their due share in each category?

The Honourable Sir Edward Benthall: (a) A statement is placed on the table.

(b) Communal representation is observed in making direct recruitment to the office as a whole; communal considerations, however, do not govern either promotions or transfers inside the office.

Statement showing number of Hindus and Muslims employed as Joint Director, Deputy Director, Superintendents, Senior Accountant and Junior Accountant in the Accounts and Finance Directorates of the Railway Board's Office

Description of posts	Number of Hindus	Number of Muslims
<i>Accounts Directorate</i>		
1. Joint Director . . . . .	..	..
2. Deputy Director . . . . .	..	1
3. Superintendents . . . . .	..	..
4. Senior Accountants	2	..
5. Junior Accountants	4	..
<i>Finance Directorate</i>		
1. Joint Director	1	..
2. Deputy Directors	2	1
3. Superintendents	4	..
4. Senior Accountants . . . . .	..	..
5. Junior Accountants . . . . .	..	..

QUALIFICATIONS REQUIRED FOR THE POST OF SECRETARY, RAILWAY BOARD

367. *Mr. Hafiz Mohammad Abdullah: Will the Honourable the Railway Member please state:

(a) the special qualifications required of an officer for the post of the Secretary, Railway Board;

(b) how many posts of Assistants were created in the office of the Railway Board, during the last three years; and

(c) whether these posts were filled by men selected by the Federal Public Service Commission and communal percentages observed?

The Honourable Sir Edward Benthall: (a) Adequate administrative ability and a personality and temperament suitable to cope with the many and varied problems that are inseparable from the duties of this post.

(b) and (c). I will answer (b) and (c) together. 136 temporary posts of Assistants have been created during the last three years. Including vacancies in permanent posts and other temporary posts created earlier, there have been 175 appointments of Assistants during the same period. These include all the candidates that the Federal Public Service Commission were able to supply as well as transfers from Railways and promotions from within the office. Communal percentages were observed in respect of all direct appointments.

TENURE OF POSTS IN THE RAILWAY BOARD SECRETARIAT

368. *Mr. Hafiz Mohammad Abdullah: Will the Honourable the Railway Member please state whether it is a fact that Sir Joseph Bhore or any of his predecessors had ordered that four years' tenure on posts in the Secretariat of the Railway Board should be strictly observed?

The Honourable Sir Edward Benthall: It is not a fact that any Honourable Member in charge of Railways has passed such orders but Sir Joseph Bhore expressed the view that he thought it was inadvisable to keep officers in the Secretariat for more than four years except in special circumstances.

INTRODUCTION OF DIRECT RAILWAY COMMUNICATION FROM PATNA JUNCTION TO SONE EAST BANK

369. *Mr. Madandhari Singh: Will the Honourable the Railway Member be pleased to state whether there is a scheme to introduce direct Railway communication from the Patna Junction to Sone East Bank in Bihar? If so, when will the scheme materialise?

The Honourable Sir Edward Benthall: The answer to the first part of the question is in the negative.

The second part of the question does not, therefore, arise.

GRANT OF EXTENSIONS IN SERVICE ON THE B. B. & C. I. RAILWAY

370. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state how many men getting more than Rs. 300 per month on the B., B. and C. I. Railway were not asked to retire in normal course, but were given extensions?

(b) Why was this done?

(c) Has this resulted in any injustice to junior officers, and has it retarded Indianisation?

The Honourable Sir Edward Benthall: (a) The number of staff drawing more than Rs. 800 p. m. who were granted extensions of service in 1943, 1944 and 1945 is 19, 28 and 17 respectively.

(b) The conditions arising out of the war, which involved an exceptional and sudden increase in railway business, necessitated the retention of experienced men.

(c) No appreciable injustice has been done to junior officers, for the temporary posts which have been necessary have generally outnumbered the officers given extensions. Where these extensions have been given to non-Indians due to superannuation, Indianization may have been temporarily retarded to some slight extent but this could not be avoided in view of the circumstances explained in the reply to part (b) above.

**PERMISSION AND PASSPORT TO MR. KESHO RAM SABERWAL
RETURN TO INDIA VIA JAPAN**

371. *Pandit Mukut Bihari Lal Bhargava: (a) Has the attention of the Foreign Secretary been drawn to the Editorial article under the caption 'Mr. Kesho Ram Saberwal' which appeared in the *Frontier Mail*, dated the 3rd February, 1946 published from Peshawar?

(b) Are the facts stated therein about Mr. Kesho Ram Saberwal correct?

(c) Is it a fact that Mr. Kesho Ram Saberwal had approached the British Consular Authorities in China to give him necessary permission and the passport to return to India via Japan? If so, with what results?

(d) Under the particular circumstances do Government propose to provide funds and all other necessary facilities to Mr. Kesho Ram to return to India via Japan? If not, why not?

Mr. H. Weightman: (a) Yes.

(b) These of the facts stated on which the Government of India have so far received information are generally correct except that Mr. Saberwal is already receiving British relief funds, and that his case is receiving due consideration from British Consular authorities in China and the Government of India.

(c) Yes; the application is receiving the attention of the Government of India to whom it has been referred;

(d) The Government of India are prepared to authorise the issue of a passport and to facilitate return to India as with other repatriates. A journey via Japan however, would involve awaiting the reopening of general permission by the Supreme Allied Commander to civilians to enter that country.

STATEMENT re PERSONS DETAINED UNDER REGULATION III OF 1818

372. *Shri Sri Prakasa: Will the Foreign Secretary be pleased to lay on the table a statement giving:

(i) a list of those who are detained under Regulation III of 1818 and the reasons for their detention; and

(ii) the amount of money that is being spent on each, and the allowances, if any, that are given to their families?

Mr. H. Weightman: A statement is placed on the table, giving the information required.

List of persons detained in jail (except No. 11 who is detained in a Mental Hospital) under Regulation III of 1818

Names	Reasons for detention	Maintenance costs and allowances	
		Maintenance	Allowances to families
1. Sardar Ghulam Ahmed, s/o Sardar Ali Ahmed Jan.	Reasons of State connected with External Affairs.	Ra. 3650 per annum approximately.	Ra. 11,180 per annum plus some Ra. 4000 per annum on the education of the children of Sardars Ghulam Ahmed and Ali Mohammed.
2. Sardar Fazel Ahmed, s/o Sardar Ali Ahmed Jan.	Do.		
3. Sardar Ali Mohammed, s/o Sardar Ali Ahmed Jan.	Do.		
4. Sardar Fakir Ahmed, s/o Sardar Ali Ahmed Jan.	Do.		
5. Musammat Shah Bano, wife of Sardar Ali Ahmed Jan.	Dependents of Nos. 1 to 4. Accompanying them by their own wish.	Ra. 420 per mensem.	Recently placed under detention. Question of the allowances not yet decided.
6. Musammat Shah Gul, wife of Sardar Ghulam Ahmed.			
7. Musammat Mah Gul, wife of Sardar Ghulam Ahmed.			
8. Musammat Mah Gul, wife of Sardar Ali Mohammed.			
9. Sardar Abdullah Jan, s/o Sardar Mohd. Ishaq Khan.	Reasons of State connected with External Affairs.		
10. Sardar Mohd. Hassen Khan, s/o Sardar Mohd. Ishaq Khan.	Do.		
11. Ex-Rena Birpal Singh of Bhejji State.	Reasons connected with the discharge of the functions of the Crown in its relations with Indian States.		

Ra. 17,480 per annum.

REFUSAL OF PERMISSION FOR RE-PUBLICATION OF THE CHOTA NAGPUR DARPAN.

373. *Shri Satya Narayan Sinha: (a) Will the Honourable Member for Industries and Supplies be pleased to state if it is a fact that *Chotanagpur Darpan*, a Hindi weekly published from Hazaribagh (Bihar) which ceased publication in 1942 due to the incarceration of its editor Mr. K. B. Sahay, Ex-Parliamentary Secretary, in 1942, has been refused permission for republication sought in February, 1945, and also in August, 1945, under section 5 of the Newspaper Control Order, 1944?

(b) Are Government aware that by its non-publication the Hindi knowing inhabitants of Chotanagpur have been deprived of reading local news as it was the only paper of its kind serving that area?

(c) Is the Honourable Member aware that, while *Chotanagpur Darpan*, a paper which stood against the separation of Chotanagpur, has been refused permission, another paper called the *Sentinel* published from Ranchi which propagates the separationist viewpoint has been left free?

(d) Are Government aware that the paper situation has now become easier?

(e) Do Government propose to reconsider the matter and grant permission to *Chotanagpur Darpan* for republication?

The Honourable Mr. A. A. Waugh: (a) Permission for the revival of publication of the *Chotanagpur Darpan* was refused under clause 10 (a) of the Paper Control (Economy) Order 1944, under which no newspaper or periodical can be published which was not being regularly published during the period immediately preceding the 7th November, 1942. The *Chotanagpur Darpan* suspended publication in August 1942.

(b) Government have no information.

(c) The *Sentinel* weekly was being regularly published on 7th November 1942, and is not affected by clause 10(a) of the Paper Control (Economy) Order. Such newspapers do not require any permission to continue publication.

(d) There has recently been some improvement in the supply position of ordinary printing paper, but the newsprint position has considerably worsened. The present supply position is not such as to justify relaxation of the restrictions imposed on the starting of new or defunct journals.

(e) Government will be prepared to re-consider the matter if the request is renewed and grounds for special treatment are established, but subject to improvement in the supply position.

INTRODUCTION OF DIRECT TRAIN BETWEEN JAMSHEDPUR AND PATNA

374. *Babu Ram Narayan Singh: (a) Is the Honourable the Railway Member aware of the demand of the people of Bihar for a direct train between Jamshedpur and Patna? If so, is he prepared to consider this need of this Province?

(b) Why, even after the war is over, has not the running of direct train between Barkakhana and Patna been resumed yet?

The Honourable Sir Edward Benthall: (a) Government are not aware of any public demand for a direct train service between Jamshedpur and Patna.

(b) The restoration of particular train services is a matter for decision by local Railway Administrations and depends on improvement in Railway resources and a consideration of the relative priority of various public requirements. Such matters should, however, be represented to Railway Administrations through the medium of the Local Advisory Committees. In the meanwhile, I am arranging to bring this question and my reply to the notice of the General Managers of the B. N. and E. I. Railways.

CONTRIBUTION OF INDIA TOWARDS UNITED NATIONS ORGANISATIONS

375. *Sri M. Ananthasayanam Ayyangar: (a) Will the Foreign Secretary please state if India is obliged to provide 4.8 per cent. of the U.N.O.'s capital, and what that amounts to, and on what basis the percentage was arrived at?

(b) What is the total capital contribution of India expected to be towards all the other United Nations Organisations?

(c) What is the recurring contribution of India per year towards all these organizations?

(d) What is the amount contributed up to date towards the U.N.R.R.A., and what, if any, is the contribution that has been demanded of India by the U.N.O. for the U.N.R.R.A.?

Mr. H. Weightman: (a) The General Assembly has decided that a working Capital Fund of 25 million dollars should be created for the United Nations to which Members should make advances in proportion to the average of their rates of contributions to the Food and Agriculture Organization during the 1st and 2nd years after adjustments on account of inclusion of new Members. The Food and Agriculture Organization scale has been adopted as it is the most recently scale adopted scale of allocation of costs of an international organization among its members. The advance which India will be invited to make to the working capital fund on this basis is 4.891 per cent. which works out to 1,097,750 dollars.

(There are no separate contributions to the various organs of the United Nations.

(c) This is not yet known. The annual contributions to be made by the Members of the United Nations will only be decided in the second part of the first session of the General Assembly later on this year.

(d) The amount so far contributed by India to U.N.R.R.A. is Rs. 8 crores. The Government of India have not so far received any request from the United Nations Organizations for a further contribution to U.N.R.R.A.

DETENTION IN INDIA OF FOREIGNERS OF ASIATIC DOMICILE

376. *Mr. Ahmed E. H. Jaffer: (a) Will the Foreign Secretary be pleased to lay on the table of the House a complete and up-to-date list of foreigners of Asiatic domicile who are detained or interned in India by the orders of the Government of India, showing their names, their ages, their countries of origin or domicile as well as the reasons for detaining them, the time since when and the places where they are kept in detention and the allowances being paid to each of them for their maintenance?

(b) Is it a fact that in the Karwar Jail in the Bombay Province, the Government of India is detaining, since a very long time, male and female members of a once distinguished family of Kabul in Afghanistan?

(c) If the answer to (b) above be in the affirmative, will the Honourable Member please state:

(i) the number and names as also the ages of these Afghan detainees;

(ii) the status and standing their family enjoyed in Afghanistan in the past;

(iii) the circumstances under and the conditions on which these Afghans fell into the custody of Government; and

(iv) the direct offence against Government for which it has chosen to consign these respectable Afghans to the rigours and hardships of jail life without trial?

(d) If these Afghans now rotting in the Karwar Jail are detained there without any trial, have Government any intention of trying them in a regular court of law or setting them free if their detention was for any consideration connected with the recent great war which now has happily ended?

Mr. H. Weightman: (a) It is assumed that the Honourable Member is referring to foreigners who were detained or interned under specific orders of the Government of India and not to those who were detained in or brought to India for custody as enemy subjects on the outbreak of war with Japan. A statement giving the names and other particulars of foreigners of the former category, detained or interned, is laid on the Table of the House.

(b) Certain Afghans, details of whom are given at Nos. 1 to 8 in the statement which I have laid on the Table of the House, have been in Karwar Jail since June 1941.

(c) (i) These details are included in the statement.

(ii) They are the wife, sons and daughters-in-law of the late Sardar Ali Ahmad Jan, one-time Governor of Kabul.

(iii) Sardars Ghulam Ahmad and Fazal Ahmad surrendered to officers of the Government of India after they had tried unsuccessfully to organise a revolt against the Government of Afghanistan from a base in Tirah Territory on the North West Frontier of India. They surrendered unconditionally and were soon after joined by their relatives.

(iv) These persons were originally allowed to live in a private house but in 1941 they caused a disturbance and used violence in the Bombay Secretariat and their continued truculence thereafter necessitated their confinement in jail.

(d) The question of their continued detention or restrictions is about to come under review.

Statements of persons Detained or Interned in India under the orders of the Government of India

1	2	3	4	5	6	7	(i)	(ii)	(iii)	9
S. No.	Names	Ages	Country of origin	Whether detained or interned	Date from which detained or interned	Place of present detention or residence	Maintenance	House rent.	Misc. allowances	Reason of detention or internment
1	Sardar Ghulam Ahmad Son of Sardar Ali Ahmed Jan.	46 Yrs. approx.	Afghanistan.	Detained in Jail.	16th June 1941.	Karwar.	Ra. 300 p.m.	..	..	For reasons of State connected with external affairs.
2	Sardar Fazal Ahmed S/o Sardar Ali Ahmed Jan.	27 Yrs. approx.	Do.	Do.	Do.	Do.	Ra. 200 p.m.	..	..	Do.
3	Sardar Ali Muhammad S/o Sardar Ali Ahmed Jan.	30 Yrs. approx.	Do.	Do.	Do.	Do.	Ra. 200 p.m.	..	Ra. 30 p.m. for new born baby.	Do.
4	Sardar Fakir Ahmed S/o Sardar Ali Ahmed Jan.	28 Yrs. approx.	Do.	Do.	Do.	Do.	Ra. 100 p.m.	..	..	Do.
5	Musammatt Shah Bano Wife of Sardar Ali Ahmed Jan.	66 Yrs. approx.	Do.	Do.	Do.	Do.	Do.	..	..	Do.
6	Musammatt Shah Gul Wife of No. 1.	40 Yrs. approx.	Do.	Do.	Do.	Do.	Included in allowances of No. 1.	..	..	Do.
7	Musammatt Mah Gul Wife of No. 2.	18 Yrs. approx.	Do.	Do.	Do.	Do.	Do.	..	..	Do.
8	Musammatt Mah Gul Wife of No. 3.	29 Yrs. approx.	Do.	Do.	Do.	Do.	Included in allowance of No. 3.	..	..	Do.

NOTE.—In addition to the allowances the 8 persons above are supplied with diet at Govt. cost @ 1/4/- rupee per head per day.
(ii) An expenditure of about Ra. 4000/- p.a. is incurred by Govt. on the education of the sons and daughters of S. No. (1) & (3) above.

9	Mohd. Hassan S/o Said Shah.	33 Yrs. approx.	Do.	Lives in a house rented by Govt.	21st Sept. 1934.	Belgaum.	Rs. 100 p.m.	Rs. 20 p.m.	Rs. 1/6/- daily diet allowance.	Do.
10	Sardar Sultan Ahmed Khan.	55 Yrs. approx.	Do.	Lives in a house rented by Govt. under surveillance.	20th March 1917.	Allahabad.	Rs. 330 p.m.	..	Rs. 7/15/11 p.m. to meet income-tax.	Do.
11	Sardar Sher Ahmed Khan.	53 Yrs. approx.	Do.	Do.	Do.	Do.	Rs. 275 p.m.	..	Rs. 6/10/8 p.m. to meet income-tax and Rs. 12/8/- p.m. educational allowance for daughter and Rs. 10 p.m. education allowance for son.	Do.
12	Sardar Mohd. Sarwar Khan.	53 Yrs. approx.	Do.	Do.	Do.	Do.	Rs. 250 p.m.	..	Rs. 6/10/8 p.m. to meet income-tax. Rs. 12/9/- p.m. educational allowance for daughter.	Do.
13	Sardar Mohd. Umar Khan.	50 Yrs. approx.	Do.	Absconding.	Do.	Do.	Stopped.	..	Rs. 200/- p.m. family allowance and Rs. 12/8/- p.m. educational allowance for two sons.	Do.
14	Sardar Noor Ahmed Khan.	52 Yrs. approx.	Do.	Lives in a house rented by Govt. under surveillance.	20th March 1917.	Allahabad.	Rs. 275 p.m.	..	Rs. 6/10/8 p.m. to meet income-tax. Rs. 12/8/- p.m. education allowance for two sons.	Do.

Note.—Nos. 10 to 14 also get Rs. 300 p.a. as hill allowance.

1	2	3	4	5	6	7	(i)	(ii)	8	(iii)	9
15	Sardar Abdur Rahman Khan.	83 Yrs. approx.	Afghanistan.	Lives in a house rented by Govt. and under surveillance. Has to report himself.	14th Jan'y 1929.	Meerut.	Ra. 250 p.m.	Ra. 70 p.m.	Ra. 10 p.m. education allowance to grand son.	For reasons of State connected with external affairs.	
16	Ghulam Nabi . .	34 Yrs. approx.	Do.	Interned within Municipal limit	2nd Nov. 1933.	Sitapur.	Ra. 30 p.m.	Ra. 12 p.m.	As. 10 daily allowance.	Do.	
17	Mohd. Din . .	59 Yrs. approx.	Do.	Do.	Do.	Do.	Do.	See No. 18.	Do.	Do.	
18	Mohd. Jan . .	33 Yrs. approx.	Do.	Do.	14th Jan'y 1929.	Do.	Ra. 60 p.m.	Ra. 35 p.m. for No. 17 & 18 living in same house.	..	Do.	
19	Mohd. Seddiq . .	49 Yrs. approx.	Do.	Do.	2nd Nov. 1933.	Shahjahanpur.	Ra. 30 p.m.	Ra. 20 p.m.	As. 10 daily allowance.	Do.	
20	Abdul Hakim . .	39 Yrs. approx.	Do.	Do.	Do.	Fyzabad.	Ra. 50 p.m.	Please see No. 21.	Do.	Do.	
21	Abdul Majid . .	44 Yrs. approx.	Do.	Do.	Do.	Do.	Ra. 60 p.m.	Ra. 25 p.m. to Nos. 20 & 21.	As. 10 daily allowance.	Do.	
22	Khan Baba . .	67 Yrs. approx.	Do.	Do.	5th Oct. 1934.	Partabgarh.	Ra. 50 p.m.	Ra. 20 p.m.	Ra. 1 daily allowance.	Do.	

23	Sardar Khan.	Abdullah	46 Yrs. approx.	Do.	At large (restricted to Jubbul-pore.)	21st Decr. 1925.	Jubbul-pore.	Rs. 660 p.m.	Rs. 120 p.m.	Rs. 50 p.m. education allowance for two sons.	Do.
24	Sardar Abdul Hamid Khan.	Hamid	43 Yrs. approx.	Do.	Do.	Do.	Do.	Rs. 550 p.m.	Rs. 100 p.m.	Rs. 25 p.m. education allowance for two sons.	Do.
25	Sardar Abdul Quayyum Khan.	Quayyum Khan.	37 Yrs. approx.	Do.	Do.	24th July 1934.	Do.	Rs. 495 p.m.	Rs. 80 p.m.	Do.	Do.
26	Atta Mohd. Jan.	s/o Rahim Jan.	42 Yrs. approx.	Do.	Lives in a house rented by Govt. under personal restraint.	18th Sept. 1933.	Betul.	Rs. 60 p.m.	Rs. 75 p.m.	Rs. 30 p.m. for mother, sister, and brother. Rs. 100 p.a. education for two sons.	Do.
27	Ali Akbarad Mubd.	s/o Wali Mubd.	36 Yrs. approx.	Do.	Do.	26th Oct. 1934.	Do.	Rs. 32 p.m.	Rs. 45 p.m.	Rs. 1/8/- daily diet allowance. Rs. 100 p.m. education allowance for two sons.	Do.
28	Sardar Abdul Hakim Khan.	Hakim	74 Yrs. approx.	Do.	Lives under Police surveillance in house rented by Govt.	14th Mar. 1930.	Yersaud (Saikem District.)	Rs. 150 p.m.	Rs. 140 p.m.	Rs. 50 p.a. education allowance for son.	Do.
29	Sardar Amin	.	38 Yrs. approx.	Do.	Do.	Do.	Ootacamund (Nilgiris).	Rs. 550 p.m.	Rs. 100 p.m.	..	Do.
30	Sardar Ghauauddin Khan.	Ghauauddin	59 Yrs. approx.	Do.	Lives under Police surveillance in house rented by Govt.	14th Mar. 1930.	Kodaikenal Madura District.	Rs. 450 p.m.	..	Rs. 200 p.m. education allowance for a son and three daughters.	Do.

1	2	3	4	5	6	7	(i)	(ii)	8	(iii)	9
							Not yet fixed.	..	..		For reasons of State connected with External Affairs.
31	Sardar Abdullah Jan s/o Sardar Mohd. Ishaq Khan.	Not known.	Afghanistan	Detained in Quetta Dist. Jail.	Since recently, under warrants dated 19th Jan. 1945.	Quetta.					
32	Sardar Muhtd. Haasan Khan s/o Sardar Muhtd. Ishaq Khan.	Do.	Do.	Do.	Do.	Do.	Do.				Do.
33	Sardar Muhtd. Ibrahim Khan.	Do.	Do.	Detained in his house in Quetta.	Do.	Do.	Do.	..	..		Do.
34	Sardar Muhtd. Qasim Khan s/o Sardar Muhtd. Ismail Khan.	Do.	Do.	Do.	Do.	Do.	Do.	..	..		Do.
35	Worden, Max Angelo	40 Yrs.	Iran	Detained in Central In. Government Camp, Dehra Dun.	22nd April 1941.	Dehra Dun.	Rs. 20 p.m.	..	Free rations.		Dangerous and prejudicial activities.
36	Chanian, Dr. Ovanes Gregory.	46 Yrs.	Do.	Detained in Parole Centre Satara.	13th July 1942.	Satara.	Rs. 10 p.m.		Messing allowances Rs. 60 p.m. & Rs. 120 p.a. as clothing allowance payable in two instalments.		Do.
37	Saif Asad	66 Yrs.	Do.	Do.	7th Sept. 1939.	Do.	Do.		Do.		Do.
38	Mohomed Bin	38 Yrs.	Kuwait.	Detained in Thana Dist. prison, Bombay.	17th Sept. 1941.	Bombay.	No. allos. is governed by ordinary jail rules.				Do.

DETENTION IN POONA CITY OF THREE BROTHERS OF A HIGH FAMILY OF KABUL

377. *Mr. Ahmed E. H. Jaffer: (a) Will the Foreign Secretary be pleased to state if it is a fact that three Afghan brothers of a high family of Kabul in Afghanistan are being detained by Government under surveillance within the limits of the Poona City and suburban areas?

(b) If the answer to (a) above be in the affirmative, will the Honourable Member kindly state:

- (i) their names and ages;
- (ii) their family standing in Afghanistan;
- (iii) the posts or profession which they held or followed in their own country before tripping into its custody in India;
- (iv) the circumstances under which they fell into the hands of Government; and

(v) the reason for which they are being detained at Poona?

(c) Is it a fact that the Afghan detainees in Poona have been paid Rs. 60 per month each for their maintenance including house rent, medical expenses, as well as clothing charges up to very lately through all the abnormally expensive years of the recent war?

(d) Is it a fact that only two or three months back Government after receiving repeated representations from these scions of a noble Afghan family have been pleased to raise their monthly allowance to the sum of Rs. 80 per month for each?

(e) Is it a fact that the Afghan internees in Poona are not allowed by Government to engage in any service or business whereby they might be able to earn enough to live above penury which is their present lot?

(f) If the answer to (c), (d) and (e) above be in the affirmative, will the Honourable Member please state if the allowances given by Government to the Afghan internees in Poona stand justified in the light of its own periodical living cost indexes *vis-à-vis* the standard of living to which these internees have been accustomed in their own country?

Mr. H. Weightman: (a) It is presumed that the Honourable Member is referring to three Afghan brothers who are at present living in Poona; they are not detained there and are free to move anywhere in British India with the exception of the North West Frontier Province and Baluchistan.

(b) (i) Their names are: Sardars Inayatullah Khan, Hafizullah Khan and Habibullah Khan. Their ages are not known.

(ii) and (iii). The Government of India have no information regarding the status of their family in Afghanistan.

Sardar Hafizullah Khan at one time held the rank of To'li-Mishar (Captain) in the Afghan Army. Sardar Inayatullah Khan was a minor civil official and the Government of India understand that Sardar Habibullah Khan was a Customs officer.

(iv) They surrendered unconditionally to officers of the Government of India after being involved in an abortive revolt in 1939 against the present Government of Afghanistan.

(v) Does not arise.

(c) and (d). Their allowances of Rs. 60 a month were increased to Rs. 80 a month in August 1945.

(e) No.

(f) Does not arise in view of the answer to (e) above.

REMOVAL OF RESTRICTIONS OF AFGHAN INTERNEES IN POONA

378. *Mr. Ahmed E. H. Jaffer: (a) Will the Foreign Secretary be pleased to state if it is a fact that the Afghan internees in Poona have behaved worthily throughout the period of their detention in Poona and that they themselves have no desire to return to Afghanistan under its present regime?

(b) If the answer to (a) above be in the affirmative, have Government any objection to removing them from their present surveillance and detention in order to let them settle down as independent citizens with permission to engage in any trade or calling?

(c) If answer to (b) above be in the negative, does the Honourable Member propose to issue early orders removing all restrictions on these internees or in the alternative raise the amount of their allowances to a figure compatible with the standard of living to which they have been accustomed in their own country and with the prevailing high cost of living in Poona?

Mr. H. Weightman: (a) It is presumed that the Honourable Member is referring to the same persons covered by question No. 377. Their behaviour has given no cause for complaint and they have stated no desire to return to Afghanistan.

(b) There is no obstacle to their settling down to any trade or calling outside the North-West Frontier Province and Baluchistan.

(c) Does not arise.

UNSTARRED QUESTIONS AND ANSWERS

NON-STOPPAGE OF TRAINS AT BALLABHGARH STATION

38. Pandit Thakur Das Bhargava: (a) Has the attention of the Honourable the Railway Member been drawn to a letter from Ballabgarh which appeared in column 7 of page 5 of the *Hindustan Times*, dated the 30th January, 1946, in which a complaint about the non-stoppage of trains at Ballabgarh, an important trading centre and Tehsil Headquarters in the Punjab, has been made?

(b) Do Government propose to order the stoppage of a reasonable number of trains at Ballabgarh as before?

(c) Is there any proposal for running any more trains between Delhi and Muttra or Agra?

The Honourable Sir Edward Benthall: (a) Yes.

(b) and (c). These are matters which should properly be represented to the Railway Administration through the medium of the Local Advisory Committees, which have been expressly set up to bring the needs of the public to the notice of railways. I am, however, sending a copy of the Honourable Member's question and of my reply to the General Managers, G.I.P. Railway and B., B. & C. I. Railway for such action as they may be able to take in the matter.

RE-OPENING OF PANIPAT-GOHAMA-ROHTAK RAILWAY LINE

39. Pandit Thakur Das Bhargava: Will the Honourable the Railway Member kindly state:

(a) if it is a fact that Panipat—Gohama—Rohtak Railway line was dismantled during the war;

(b) if Government are aware that besides the hardships to the travelling public of the localities served by the line, the agricultural and trading interests of the Gohama, Panipat and Rohtak Tehsils, Gohama Mandi and neighbouring localities are specially suffering owing to the dismantling of the line;

(c) whether Government propose to consider the desirability of opening the line as soon as possible; and

(d) by what time Government propose to reopen the line?

The Honourable Sir Edward Benthall: (a) The answer is in the affirmative.

(b) The Government are informed that the area is adequately served by roads and a provincial highway has been projected on an alignment parallel to the railway line as it was before dismantlement.

(c) The restoration has been considered in conjunction with the Punjab Government and it has been decided not to relay the line.

(d) Does not arise.

NEW-PROJECTS OF RAILWAY CONSTRUCTION

40. **Mr. K. J. Neogy:** Will the Honourable the Railway Member be pleased to lay on the table a statement showing the different new projects of Railway construction that are under active consideration in different parts of the country in connection with the post-war expansion scheme, indicating in each case the stage that may have been reached either in survey or other preliminary operations, and the approximate period of time within which each such line may be expected to be taken in hand for construction?

The Honourable Sir Edward Benthall: A list of projects approved for survey has already been laid on the table of the House in answer to question No. 113, by Sri M. Ananthasayanam Ayyangar. Another copy of the list is now placed before the House wherein the projects for which the survey estimates have been sanctioned upto 31st January, 1946, have been marked with an asterisk. None of the surveys have so far been completed. Unless the surveys have been completed and the reports considered it is difficult to say which of the projects will be constructed and precisely when the work will commence.

List of projects approved for survey—new Constructions, Restorations and Conversions

EAST INDIAN RAILWAY		Approx. Mileage
(a) <i>Dismantled lines to be restored</i>		
1. Unao-Madhoganj-Balamau		78 Miles
2. Bijnor-Chandpur Siau		21 "
3. Utraithia-Sultanpur-Zafarabad		136 "
(b) <i>New Lines</i>		
1. Kicha-Chandausi		*65 "
2. Birmitrapur-Barwadih		*120 "
3. Chirmiri-Barwadih (Garhwa Road or Untari Road)		*140 "
4. Barkagoan-Hazaribagh-Giridih-Dumka-Rampur Haut		*225 "
5. Gaya-Sherghati-Ghatra-Ranchi		*110 "
BENGAL ASSAM RAILWAY		
(a) <i>Restoration of Dismantled lines</i>		
1. Shaistaganj-Habiganj		*3 "
2. Moranhat-Khowang		6 "
3. Amnura-Chapai Nawabganj		10 "
(b) <i>New Lines</i>		
1. Bahadurabad-Goalpara-Pandu with a bridge at Goalpara-Jogighopa and a link from the bridge to Bongaigaon, also Gouripur Mymensingh Mahendraganj.		*233 "
2. Sylhet-Bazar-Chatak		*21 "
3. Khowang-Dibrugarh		*12 "
4. Faridpur-Madaripur-Barisal		*80 "
5. Sainthia-Barhampore-Bhairamara		*96 "
6. Rohanpur-Nithpur-Dinajpur		*76 "
7. Jharia-Jhanjail-Baghmara-Siju-Jankaray		*37 "
(c) <i>Conversion</i>		
1. Tezpur-Balipara to be converted from N. G. to M. G.		20 "
BENGAL NAGPUR RAILWAY		
(a) <i>Dismantled lines to be restored</i>		
1. Bobbili-Salur		10 "

Note:—At the time of investigation it will be necessary to examine particularly the possibility of connecting Balharshah to Bastar.

Approx.
Mileages

(b) *New Lines*

1. Ramagundam-Bastar-Jagdalpur Jampur-Sakur (or Visanagrama via Padwa) The portion between Ramagundam & Bastar shall be served by H. E. H. the Nizam's Rly.	*290 Miles
2. Rajnandgaon (or Drug)-Bastar via Kankar and Taragaon	*120 "
3. Sambalpur-Kondagaon via Kantabanji or Lanjigash	*247 "
4. Talcher (along the valley of the Brahmani river)-Koel Bank	100 "
5. Talbandh (or Bangriposi)-Badampahar (or Sulapst or Rairangpur) including conversion of Rupsa-Talbandh to B. G.	85 Miles (including 70 miles of conversion).
6. Khurda Road-Bargarh	128 Miles
7. Vishnupur-Santragachi	68, "
8. Contai Road-Contai-Tamluk-Kolaghat-Ghatal-Chandrakona	150 "
9. Extension of Lohardaga to meet Barwadih-Birmitrapur	23 "

(c) *Conversion*

1. Purulia to Lohardaga	*116 "
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SOUTH INDIAN RAILWAY

(a) *New Lines*

1. Dindigul-Gudallur	*70 "
2. Kollengode-Cochin Part	*41 "
3. Tanjore-Pattukottai	*29 "
4. Arantangi-Karaikkudi	*20 "

M. & S. M. RAILWAY

(a) *New Lines*

1. Alnavar-Haliyal-Yellapur-Karwar	70 "
2. Ellore-Saveri Valley	70, "

G. I. P. RAILWAY

(a) *Dismantled lines to be restored*

1. Cawnpore-Khairada	*81 "
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(b) *New Lines*

1. Diva-Daegaon	93 "
2. Manmad-Nardhana	79 "
3. Belapur Road-Sheogaon	45 "
4. Baramati-Pandharpur	70 "
5. Kurla-Palasdhari	*35 "
6. Amroli-Narkher	*79 "

B. B. & C. I. RAILWAY

(a) *Dismantled lines to be restored*

1. Vasad-Kathana	*27 "
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(b) *New Lines*

1. Bulsar-Dharampur	*17 "
2. Khandwa Hingoli	*69 "

ODDH TIRHUT RAILWAY

(a) *New Lines*

1. Kaashipur-Kalagarh	*30 "
2. Chakia-Alwalia-Sidhwalia	27 "
3. Sitamarhi-Sonbarsa	*20 "
4. Murliganj-Madhapura	*18 "

JODHPUR RAILWAY

(a) *New Lines*

	Approx. Mileages
1. Pithoro-Kahi-Tando Mithakhan-Sanghar-Jhol	*62 Miles

NORTH WESTERN RAILWAY

(a) *Dismantled lines to be restored*

1. Nagrota Jogindernagar	35 "
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(b) *New Lines*

1. Havelian Garhi Habibullah	*43 "
2. Charsadda-Mardan	*17 "
3. Pasu-Dera Ismail Khan	40 "
4. Tando Mohd. Khan-Moghalbin (Jati Taluka)	*72 "
5. Badin-Gujrat (Bombay-Sind)	*268 "
6. Karachi-Malat-Quetta	*410 "
7. Peshawar-Kohat	*40 "
8. Kohat to Bannu	*80 "
9. Rupal-Talaura	*87 "
10. Khushab-Nurpur Darya Khan	70 "
11. Kashmir-Dera Ghazi Khan	90 "
12. Jhang-Malout	100 "
13. Khewra-Chakwal	40 "

(c) *Conversion*

1. Masi Indus-Bannu & Manzai Laki Marwat from NG to BG	*158 "
2. Jacobabad-Kashmore from N.G. to B.G.	*77 "
3. Kohat-Thal	*64 "

LATE DELIVERY OF MAILS TO BENARES R.M.S. FROM LOCAL POST-OFFICES

41. **Pandit Sri Krishna Dutt Paliwal:** Will the Secretary for Posts and Air please state:

(a) if it is a fact that for lack of suitable control on the administration of the Benares Head Post Office, offices finish their work too late, and that for the same reason the local Benares R.M.S. gets mails from local offices between 8-30 p.m. and 9-00 p.m. almost daily resulting in the detention of staff for longer than the scheduled hours of duty;

(b) whether the staff is detained for over twelve to fourteen hours almost every day beginning from 10-00 hours and ending at 6-00 A.M. of the next morning; and

(c) whether the staff of the Benares R.M.S. is compelled to go on medical leave very frequently?

Sir Gurunath Bhowar: I propose to reply to Questions Nos. 41 and 42 together.

Government have no information and do not propose to call for it as this is a matter within the competence of the Postmaster-General, United Provinces, to whom a copy of the question and answer is being sent for investigation and suitable action.

INADEQUACY OF SUPERVISORY STAFF FOR VERIFICATION OF INSURED PARCELS

42. **Pandit Sri Krishna Dutt Paliwal:** Will the Secretary for Posts and Air please state:

(a) whether the supervisory staff for verification of Insured Parcels etc. could not be adequate on account of the every day diversion of booking from one area to another;

†For answer to this question, see answer to question No. 41.

(b) whether for want of full quota of canvas bags Insured Parcels have to be sent outside inviting risk over the staff for safe custody and transmission; and

(c) whether Government propose to consider the advisability of opening a Central Office for booking with several counters as well as for storage and sorting of parcels to close direct bags to minimise the difficulty of the R.M.S. administration; if not, what they propose to do to set the matters right?

DEATH OF SUB-POSTMASTER, GURUKUL KANGRI

43. Pandit Sri Krishna Dutt Paliwal: (a) Will the Secretary for Posts and Air please state if Government are aware that one Ram Sarup Gupta, Sub-Postmaster, Gurukul Kangri, District Saharanpur was not granted leave when he reported sick?

(b) Are Government also aware that the work of the Post Office had to be stopped for days together owing to the serious illness of the Sub-Postmaster, who had developed pneumonia in the meantime?

(c) Is it a fact that no relief could come even when a telegraphic reminder was sent?

(d) Is it also a fact that the relief arrived on the 28th October, 1945, when the Sub-Postmaster was quite senseless and the keys of the office were made over to the relief by the wife of the sick postmaster and that ultimately the man died on the 29th October, 1945? If so, do Government propose to take any action against the Divisional Superintendent, and do they also propose to grant suitable pension to the widow and children of the deceased?

Sir Gurunath Bewoor: (a) The position is not as stated. A telegram and a postal communication from Mr. Ram Sarup Gupta applying for casual leave on account of sickness were received in the office of the Superintendent of Post Offices, Dehra Dun Division, on the 20th and 22nd October, 1945, respectively. The Superintendent immediately asked the Sub-Postmaster, Hardwar on 20th October by telegram to depute a competent hand to relieve Mr. Gupta but Mr. Gupta's relief did not actually arrive until the 28th of that month. The delay in effecting the relief was due to the fact, that a telegram despatched on the 21st October, 1945, by the Sub-postmaster, Hardwar, expressing his inability to send an official of his office to relieve Mr. Gupta was unfortunately lost in transit and the Superintendent was under the impression that a relief had been sent. On receipt of a second telegram from Gurukul Kangri post office on the 26th October, another man was ordered to proceed to take charge of the office and he did so on 28th October.

(b) Yes.

(c) No. A relief was arranged immediately the telegraphic reminder was received.

(d) The reply to the first part is in the affirmative. In regard to the second part there was no neglect on the part of the Superintendent in this case. The Postmaster-General, United Provinces Circle, is considering the proposal for the grant of some gratuity to the family of the deceased.

CURTAILMENT OF ORAL ANSWERS TO ABSENTEE MEMBERS' QUESTIONS

Mr. President: The question hour is over. I would like to invite the attention of Honourable Members to the fact that I noticed today that a pretty good number of Honourable Members who are putting questions were absent. I mean it was not a solitary instance. I think, if Honourable Members put questions, they ought to be present in the House to put them. I have been following the course, just in the beginning, of being a little more liberal in interpreting the rule which says that if the Member in whose name the question stands is absent the President, at the request of any Member, may direct that the answer to it be given. But if that means encouragement to remain absent, I do not propose to exercise this discretion vested in the Chair to direct an answer to be given to the question, as on former occasions.

12 Noon.

Sgt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): The transport position is bad here.

Mr. President: Whatever it may be, if they choose the dates on which the answers are required, they ought to arrange for the question being put instead of putting the Chair to the necessity of giving consent to their request every now and then. Therefore, I hope Honourable Members who put questions will make it a point in future to remain present, except, of course, in exceptional circumstances, in which cases, as I find by practice, and not necessarily by the ruling of my predecessors, a written authority should be given. I insist on that authority not because the rule says so, but it will enable me at least to judge that the Honourable Member who puts the question is careful enough to see that his question is coming on such and such a date and is also further careful to see that it is put through somebody else and answered. It is just for that purpose. Otherwise, as I said, in exceptional cases I will certainly allow the question to be put. But then, the practice of Members remaining absent is not one which should be encouraged by the President, making it as a rule that automatically some Member requests and the President allows the question to be answered.

Mr. Abdur Rahman Siddiqi (Calcutta and Suburbs: Muhammadan Urban): May I respectfully submit that sometimes the questioner does not reach the stage of asking the question and the result is a bit of a disappointment? Would you consider the possibility of reducing the number of supplementary questions because I feel that sometimes supplementary questions take away all the time; and they do not lead us anywhere? I would therefore respectfully submit to you to consider that aspect of the matter also.

Mr. President: I am thankful to the Honourable Member for having given me an opportunity of stating to the House as to what is passing in my mind about this. A similar question had arisen in this House a few days back, and then I stated that some of the questions which are put in as 'Starred' may as well go as 'unstarred'. That is one. The second is that supplementaries should be shortened as far as possible; and in asking supplementaries instead of putting in various clauses by which reasons and arguments are given, it is better that questions in a shorter form are asked straight, so as to elicit information only. That is another way of reducing the time taken over supplementaries without reducing their number.

Then, I am having statistics prepared, from day to day, of questions which were put for a certain date, questions answered, and questions that could not be answered. After having those statistics for about a week more, I shall be in a position to see the average number of questions put everyday, the average number of questions answered everyday, and then it will be possible for us to come to an agreement whereby questions that are put in the list are all answered.

There is also the other suggestion which is under consideration—I am myself considering it, and it is not under the consideration of any other person—that answers may be printed as is done in Bombay or Madras and laid on the table about half an hour before the meeting. But that is a matter which is yet under my own consideration. I have to discuss it with the Honourable the Leader of the House and with the Members of Parties. That will save some of our time. But the general rule which I would like to follow and which I would earnestly request members to observe just with a view to give complete co-operation to the Chair is that all sorts of restrictions which are desired by different or various members should better come from within rather than be imposed by the President from the Chair. If members co-operate and not put in many questions, the matter will be automatically solved. This particular request of mine applies not only to questions but to all business we transact in the House. I will prefer the least interference from the Chair so far as control over the proceedings of the House is concerned. That will be the ideal position for a democratic House.

The Honourable Dr. Sir M. Azizul Haque (Commerce Member): May I submit one matter that as there are always a certain number of questions which cannot be answered, it happens that a member who is absent has his question answered and a member present cannot have his question answered. When you consider the other point would you also kindly consider this point, namely, whether a member who is actually present but who has got a later question has not some right, in view of the other member's absence, to have his question answered?

Sjt. N. V. Gadgil: The fact is that the answers are so brief and bureaucratic that they really require many supplementaries. There is such an economy of truth that many supplementaries become necessary in the interests of bringing out the true facts. I appreciate your point of view that the supplementary questions involve argument. But the fault is not of the questioner. It is because the proceedings have to be conducted in a language which is foreign to us. Will the Chair kindly take this into consideration and allow a little margin because the main object of those who want to ask supplementary questions is to know the truth? In many cases it is just the object which the other side wants to frustrate by not giving correct answers. Just as you want us to put relevant and pointed questions, may I ask the Chair also to seek the co-operation from the other side in giving true information and fuller information?

Mr. President: I do not think this requires further discussion at all. I have asked for co-operation from all sides and not from this side or that. I have no doubt that if we work in a spirit of co-operation, things will improve. Somebody has to make a beginning.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, the specific suggestion of the Honourable the Commerce Member is one which I beg to support, namely, that if a Member is absent, his question, even if it is to be answered under the restrictive rules which you have laid down, should not take precedence. It should be put over, and when the rest of the questions are finished he gets a chance.

Several Honourable Members: He can authorise under the rules.

Mr. President: I prefer for some time at least to watch the proceedings and not to encourage absent Members' questions to be replied to. That is what I stated in the beginning. If there is time left after the questions on the paper are finished, we may consider whether the absent Members' questions should or should not be answered.

REPORT OF THE COMMITTEE ON BRETTON WOODS AGREEMENT

The Honourable Sir Archibald Rowlands (Finance Member): Sir, the report of the Committee on Bretton Woods which I hoped to present today will not now be available till Thursday. I hope to be in a position to circulate the report early on Thursday, and I understand that the parties will not take any objection to finally disposing of the question on Saturday, although the report will not be circulated until Thursday.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, there will be no objection to the procedure outlined by the Honourable the Finance Member. But the report is not yet ready and I believe consultations are going on between members of various groups,—members of one group with the other and also with Members of Government. So I fear that the report may not be ready by Thursday in which case it would be impossible to have a discussion of it on Saturday.

The Honourable Sir Archibald Rowlands: Sir, I am disappointed at that statement. I thought it was to meet the convenience of the Committee that the report was postponed till Wednesday. I do impress again that it is very

necessary that a decision should be taken this week, and there does not seem to be any other opportunity of disposing of it except on Saturday,—nor in the following week. I therefore do appeal for the co-operation of the parties in disposing of this question on Saturday.

Mr. Manu Subedar: Sir, I assure this House through you that we have every desire not to cause any delay longer than is necessary. The difficulty, however, arises out of the absence from Delhi of certain party leaders before whom this matter has to be put; and, as I mentioned on a previous occasion, we have run up against issues which are of such stupendous importance that the whole issue of sending a representative of India to the Bretton Woods preliminary shareholders' meeting pales into insignificance; and I submit that we should not be rushed on the major issue which worries us. The Honourable the Finance Member knows very well that it is not merely a question of sending a representative; there is another large issue which I am not free to disclose as it is being confidentially discussed in the Bretton Woods Committee. But there is that large issue which troubles every Member of this House of every Party and the whole country outside, and I suggest that we ought not to be rushed on the mere plea that a particular date is of that importance for the preliminary attendance of India's representative at the shareholders' meeting.

The Honourable Sir Archibald Rowlands: That large issue to which the Honourable Member refers is a separate issue which I am prepared to discuss at any convenient time. The issue before the House on Saturday will be a very simple one.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Sir, so far as I am concerned, I have tried my best to get in touch with my Leader and we thought it would be possible for us to come to an agreement on Thursday. But it now seems that it is very difficult; and unless and until we know what attitude the Committee is going to adopt and what report is going to be drafted, I am not prepared to say that we will be in a position to discuss this matter on Saturday. I respectfully submit to the Finance Member that, as Mr. Manu Subedar has suggested, the preliminary stages may be gone through a representative can be sent, and the cost involved is not greater than the risk which this country might take later on.

The Honourable Sir Archibald Rowlands: That would meet my case.

Mr. President: In any case, not being conversant with the discussions in the Committee, it is not possible for me to express any opinion on the urgency or otherwise of this discussion. It is a matter for the members of the Committee to settle among themselves; I am entirely in the hands of the House. I should, however, wish that every possible effort should be made to come to an agreement and, if possible, the report should be submitted on Thursday, the 21st. Personally I am prepared to sit even on a Sunday, but I do not know how the House would like that idea.

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, even God takes rest on that day; why should'n't we?

Mr. President: What I meant was that if really the matter was of that importance it will be up to us to sacrifice this or that little convenience or to suffer inconvenience and make the best possible effort to come to a conclusion. Not knowing the merits of the case, I do not know how far that is possible. As no date was mentioned in the motion it is not necessary to have a motion now. Will the report be circulated on Friday?

The Honourable Sir Archibald Rowlands: No, Sir, I hope it will be done on Thursday morning. I will keep the printers up all night.

Mr. President: So provisionally we fix Thursday for the presentation of the report.

Lt.-Col. Dr. J. C. Chatterjee (Nominated Non-Official): Does that mean, Sir, that the House will not sit on Saturday?

Mr. President: The position is that the best possible effort will be made to have the report presented on Thursday; if that is done, the House will sit on Saturday.

Lt.-Col. Dr. J. O. Chatterjee: So the sitting on Saturday is provisional?

Mr. President: It is provisional in the sense that we do not know yet whether the report will be presented on Thursday. But if it is done on Thursday, a sitting on Saturday is a certainty; and it has already been fixed as an official day.

MOTION FOR ADJOURNMENT

REFUSAL TO INCREASE PRICE OF FOODGRAINS OFFERED TO AGRICULTURISTS

Mr. President: I have received notice of a motion of adjournment from Sri Venkatasubba Reddiar who seeks to censure Government for refusing to increase the price offered for foodgrains to the agriculturist as it discourages cultivation of food crops. I should like to know something about the urgency of this matter.

Sri R. Venkatasubba Reddiar (South Arcot *cum* Chingleput; Non-Muhammadan Rural): Sir, we are facing a very grave situation. The food supply in the country is short. During the food debate the Food Member gave an undertaking when this question was specifically raised that he will look into this matter. But from a report published yesterday in the press which I have with me—the *Free Press Journal*—I find that the Secretary of the Food Department has taken to task some of the Papers which advocated higher prices for foodgrains. This is what the report says:

“In conclusion, Mr. Sen suggested that the line taken by a section of the press advocating higher prices for foodgrains was inopportune.”

I submit in this connection that if sufficient inducement is given to the producer he will be able to produce before we expect imports from Washington or Canada or any other place. There is a variety of paddy which can be grown in ninety days and we will have that crop if sufficient encouragement be given to the producers. I want to bring it to the notice of Government and censure them for this attitude.

Mr. B. B. Sen (Secretary, Food Department): Sir, I submit that this is not a proper subject for an adjournment motion. I made a specific reference to this subject in my opening remarks during the food debate and this subject was debated upon. An amendment to my motion was moved and it was carried. The amendment was to this effect:—

“That Government should take immediate steps to increase the production of foodgrains in the country by granting substantial subsidies to producers and by restricting, if not prohibiting, the cultivation of crops other than foodgrains on lands where food crops can be grown.”

The amendment was that Government should encourage production of foodgrains by subsidies, not by increasing the prices. It is the view of the Food Department that when the country is faced with shortage, it will be fatal to try and meet the situation by increasing prices. That has been our experience in 1943. The Honourable Member has referred to what I had said at a conference. I explained clearly at the Conference how the Bengal famine in 1943 was very largely due to the breakdown of public confidence and to the high prices which prevailed at that time. I made a reference to the sectional famine in Bengal; certain classes of people were unable to purchase foodgrains even though foodgrains were available in their areas. It is our considered view that raising of prices is no solution to the problem with which we are faced.

Prof. N. G. Ranga (Guntur *cum* Nellore; Non-Muhammadan Rural): The Honourable Member has referred to one amendment which was passed here. There was another amendment also which was passed, namely that the Government should assure remunerative prices for the producers of foodgrains so as to encourage them to produce more foodgrains and make India less

dependent on imports. My Honourable friend has not referred to that at all. Sir, I do not wish to enter into arguments, but I only wish to say that food crops can be grown in even less than three months, and we suggested through this amendment that sufficient inducement should be given to the foodgrain producers to produce more. But the attitude which the Government and my Honourable friend are taking and have displayed even just now, goes directly against giving any sort of encouragement at all to the production of more foodgrains and food crops. Therefore, I think, my Honourable friend will be right in asking the leave of the House to adjourn so that we can censure this attitude of the Government which does not at all help towards the production of more foodgrains in this country.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan): May I say a word on this, Sir? I cannot understand why this adjournment motion is at all necessary because if a summary is prepared . . .

Mr. President Will the Honourable Member speak a little slowly? He is too fast for me.

Mr. Muhammad Nauman: I said, I cannot understand why this adjournment motion was thought necessary because if the Honourable Member would take the trouble to study a summary of the speeches that were made in this House,—not only during this Session but in previous Sessions as well,—on the food debate, he will find that it was made absolutely clear that prices have got to be restricted

Prof. N. G. Ranga: No.

Mr. Muhammad Nauman: and production has to be encouraged through subsidies and other methods. I think it would be fatal to increase the price any further as it is already four times the pre-war rate.

Sri M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammad Rural): Sir, we are not concerned with what the Honourable Members said before the final conclusion was reached. The final conclusion is the Resolution, and the Government is bound to obey that Resolution and carry out the wishes of this House. In spite of the opening remarks of the Secretary, Food Department, and in spite of the observations of Honourable Members like Mr. Muhammad Nauman we are more anxious about the consumers than about the agriculturists who produce. The Resolution which was passed by this House provided that remunerative prices should be given so that we may produce more foodgrains and make India less dependent on imports. We should produce foodgrains in less than three months instead of carrying the begging bowl to Australia and other places. The Honourable the Food Secretary has flouted the Resolution, and we want to censure him.

Mr. President: It is not for me to discuss the merits of the case. I think there was an amount of discussion over this aspect during the food debate, and what appears to me is that the question of remunerative prices is different from the question of increased or high prices. The two are not necessarily co-extensive. Any way, whatever the merits of the question, I really do not know or understand the urgency about this matter in spite of the food situation. It is a matter for discussion, and I am not inclined to think that this is really a matter of urgency at all. If the object is merely to censure the Government, that is not going to help the food situation any further. (Interruptions.) Order, order. My point is this: If the urgency is not to be placed on the ground of an opportunity to censure the Government, that hardly helps the growing of foodgrains.

Prof. N. G. Ranga: Government is going against the Resolution.

Mr. President: The Resolution says this:

"This Assembly urges upon the Government to take immediate steps to increase the production of foodgrains in the country by granting substantial subsidies to producers and by restricting, if not prohibiting, the cultivation of crops other than foodgrains on lands where food crops can be grown, until the country becomes self-sufficient in foodgrains."

[Mr. President]

I shall read from the beginning:

This Assembly expresses its dissatisfaction at the failure of the Government of India—

(i) to import adequate supplies of foodgrains for building up a reserve and meeting the needs of deficit areas, and

(ii) to assure remunerative prices for the producers of foodgrains so as to encourage them to produce more foodgrains and make India less dependent on imports;”

The Honourable the mover has based his case on something which the Secretary, Food Department, said in a conference. That is entirely a different matter; that is the view of the Secretary. The question would be, as it is argued now, as to whether this particular Resolution of the House is flouted or not, but it does not seem from the adjournment motion that that is the case. Then it proceeds further:

“This Assembly—

(b) records its grave apprehension that, unless substantial imports are immediately made available, a situation will arise, particularly in the Southern and Western parts of the country, in which the existing ration, which is already inadequate, will be endangered and large sections of the people will face starvation; and

(c) urges upon the Government—

(i) to take steps to obtain independent representation for India on the Combined Food Board,

(ii) to so reorganise its procurement and requisitioning of foodgrains, as to eliminate the existing arbitrariness, corruption and oppression of peasants and to leave with peasants adequate quantities of foodgrains for their family and labour consumption and to obtain the wholehearted co-operation of the peasants in all their procurement and price-fixing operations.....and so on.”

All these things are there, but I do not think they are really now a matter of urgency after three days of food debate. Therefore, I do not think I could give my consent to this.

Sri R. Venkatasubba Reddiar: Sir, I will explain the urgency

Mr. President: Order, order.

Sjt. N. V. Gadgil (Bombay, Central Division: Non-Muhammadan Rural): They can flout the opinion of this House in any way.

Khan Abdul Ghani Khan (North-West Frontier Province: General): Will you please define ‘urgency’?

Mr. President: There can be no problematic discussion of urgency. As I have stated so many times, each motion will have to be judged on its own facts. I have already explained the reason why I do not consider that it is a matter of such an urgency as to allow the regular course of the order of the debate to be disturbed by another matter being brought in. The real object of an adjournment motion is that there is something really so urgent and so important that one is justified in interfering with the regular proceedings of the House. If adjournment motions are coming every day and become too common, the motions themselves lose their force. That is also one of the aspects which Members have to take into consideration. Perhaps this view may not be agreeable to some Honourable Members of this House, but that is how I look at it; and therefore I do not look upon this as a matter of urgency. It is a standing matter; it is urgent in a different sense, but not in the sense in which adjournment motions are allowed.

Sjt. N. V. Gadgil: May I bring to your notice that though, as the Honourable President, you have given a ruling whether the motion is urgent or not, at least sufficient time should be given to those who have tabled, or on whose behalf an adjournment motion is tabled to argue it out. We are of the impression that the motion is really urgent.

Mr. President: Order, order. I think sufficient time has been given.

Prof. N. G. Ranga: They are only causing a food look out!

Mr. President: Order, order.

Prof. N. G. Ranga: These people in Delhi should be starved. Then they will know!

Sjt. N. V. Gadgil: Hang them all!

Mr. President: Order, order.

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR HEALTH DEPARTMENT

Mr. President: I have to inform the Assembly that upto 12 Noon on the 18th February, 1946, the time fixed for receiving nominations for the Standing Committee for the Department of Health, eleven nominations were received. Subsequently one member withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected to the Committee during the unexpired portion of the Financial year 1945-46 and for the Financial year 1946-47: (1) Mr. E. L. C. Gwilt, (2) Lt.-Col. Dr. J. C. Chatterjee, (3) Khan Bahadur Sharbat Khan, (4) Dr. G. V. Deshmukh, (5) Mr. P. B. Gole, (6) Maharaj Kumar Dr. Sir Vijaya Ananda, (7) Mr. B. S. Hiray, (8) Mr. Sasanka Sekhar Sanval, (9) Sir Hassan Suhrawardy, and (10) Khan Bahadur Raja Mohammad Amir Ahmad.

ELECTION OF MEMBERS TO INDIAN CENTRAL TOBACCO COMMITTEE

Mr. President: I have to inform the Assembly that upto 12 Noon on the 18th February, 1946, the time fixed for receiving nominations for the Indian Central Tobacco Committee, three nominations were received. Subsequently one member withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected to the Committee.

(1) Mr. Muhammad Rahmat-ullah, and (2) Mr. Satya Narayan Sinha.

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR HOME DEPARTMENT

Mr. President: I have also to inform the Assembly that upto 12 Noon on the 18th February, 1946, the time fixed for receiving nominations for the Standing Committee for the Home Department, eleven nominations were received. Subsequently one Member withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected to the Committee for the unexpired period of the Financial year 1945-46 and the Financial year 1946-47:

(1) Mr. P. J. Griffiths, (2) Raja Sir Saiyid Ahmad Ali Khan Alvi, (3) Col. Kumar Shri Himmat Singhji, (4) Mr. M. Asaf Ali, (5) Sri M. Ananthasayanam Ayyangar, (6) Shri Sri Prakasa, (7) Sjt. N. V. Gadgil, (8) Mr. Muhammad Ismail Khan, (9) Mr. Tamizuddin Khan, and (10) Haji Abdus Sattar Haji Ishaq Seth.

ELECTION OF MEMBERS TO STANDING COMMITTEE ON PILGRIMAGE TO HEJAZ

Mr. President: I have further to inform the Assembly that upto 12 Noon on Wednesday, the 18th February, 1946, the time fixed for receiving nominations for the Standing Committee on Pilgrimage to the Hejaz, eight nominations were received. Subsequently three members withdrew their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected:

(1) Khan Abdul Ghani Khan, (2) Syed Ghulam Bhik Nairang, (3) Sir Hassan Suhrawardy, (4) Mr. Mohammad M. Killedar, and (5) Khan Bahadur Raja Mohammad Amir Ahmad.

INSURANCE (AMENDMENT) BILL

The Honourable Dr. Sir M. Azizul Huque (Commerce Member): Sir, I move:

"That the Bill further to amend the Insurance Act, 1938, as reported by the Select Committee, be taken into consideration."

In my speech in moving the consideration of this Bill, I explained the purpose of the Bill as introduced in this House and after a debate the House decided for reference to Select Committee. The Select Committee in their

[Dr. Sir M. Azizul Huque]

sittings for two successive days carefully considered the various provisions of the Bill and also the amendments that were tabled in the House and certain changes were made by the Members of the Select Committee. There have been certain alterations, slight though they are, from the Bill which was introduced in this House. The first thing is about the clause dispensing with the qualifications of the Superintendent of Insurance. The Select Committee were of opinion that the original section of the Act should remain, but if there is any difficulty in the appointment of the next incumbent that should be temporarily dispensed with: or, in other words, the section might be suspended for a limited number of years and the Select Committee thought it should be up to 31st December 1953.

Then, Sir, there is a clause in which the jurisdiction between the co-operative and the mutual as against the insurance and provident societies was slightly altered while retaining the power of the Superintendent to exempt societies which are run strictly on co-operative lines or societies run on principles of strict mutuality, the Select Committee also decided that whereas the present law leaves it to the discretion of the Superintendent of Insurance, it should be prescribed by rules framed in the Act.

The principle limit of annuities and sums assured were also slightly changed and as at present, the 'no man's land' will be about Rs. 100, viz., as between Rs. 900 to Rs. 1,000 within which respective societies will function. There has been only a slight change also as regards the maximum fee which should be charged for receiving a duplicate certificate and the other clause is that a provision has been made by which there must be an appeal against any order by the Superintendent of Insurance directing the amalgamation of provident societies or transfer of business from one society to another.

Then, Sir, the time by which the list of investments representing the assets of a company have to be submitted has been slightly extended, as also the time to supply the materials to an actuary has also been slightly extended.

There are very minor changes. In fact the Bill, except in one clause in which my friend has returned to the attack once again after doing his best in the Select Committee is practically the same and the consensus of opinion is that this should be gone through.

I do not want to take the time of the House. I have tried in a very few words to explain the slight changes made by the Select Committee. Sir, I move.

Mr. President: Motion moved:

"That the Bill further to amend the Insurance Act, 1938, as reported by the Select Committee, be taken into consideration."

Sri M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadian Rural): I also wish that the Bill should be taken into consideration. We discussed the provisions of the Bill at the earlier stage. After its return from the Select Committee the changes that the Bill has undergone are not many. There are one or two changes of substance and in respect of one I still hope to convert my Honourable friend on the other side to my view. I shall state that though I agree to some of the changes suggested by the Government in the Select Committee, I still want to strike a note of caution with respect to the carrying out of this provision primarily with regard to the qualifications for the Superintendent of Insurance. In the Act of 1938 as it stands, it was a necessary qualification for a Superintendent to be an actuary. We have had the advantage of an actuary who unfortunately is very soon leaving the Government of India. Therefore it appears that the Government is short of hands, and the actuaries who are qualified persons, though there may be fifteen only in number in the huge continent of India, do not appear to be sufficient either on account of age or experience and possibly not one of them is able at present to handle that post. That is the case of the Government. Whatever it may be I would like that immediately an actuary should be appointed. Anyhow as the Government feels difficulty in appointing one, I would like that a period of five or six years, as the Government wants, may be granted on one assurance—of course, an assurance granted to-day by this

Government or by an Honourable Member may not be an assurance for all time: but whoever may take up this subject later on and may be faced with this difficulty—that this concession was a departure from the qualifications insisted upon in the Act of 1938. I therefore want an assurance from the Honourable Member that after five or six years an actuary will certainly be appointed. After my return from the Select Committee I have gathered a lot of opinions and my friends are of the view that a mere actuary is not enough, for this reason that there are many things which have to be done by a person with experience. Therefore these five or six years will also give us an opportunity to find out whether it is not desirable to have a composite section, the Superintendent being a non-actuary assisted by actuaries, or being an actuary assisted by other persons who can have an outlook apart from mere statistical ability. I do hope that in the closing speech of my Honourable friend he will make it doubly clear that he will insist upon an actuary being appointed with the necessary qualifications, next time when it falls vacant and the appointment that is made in the interregnum will be purely temporary. That gentleman ought not to lay claim to continue to stick to the post, when other competent men may be available at the time. That is all I have to submit so far as the qualifications of the superintendent are concerned.

I come to my own vexed question of a married woman, her rights under the Insurance Act. When the clause is taken up I will make further observations. In any case I do not want to repeat my arguments. My only point is that the Honourable Member will consider that there are certain rights preserved for a married woman under this Act of 1938. A policy-holder is absolutely entitled to the benefits of his policy, which is his property. He can sell, mortgage or will it away to anyone he likes. He can pledge it for purposes of the race course. Or he may fix his love or affection on some other woman and will the policy away. But if he makes a nomination in favour of somebody, that nomination will give a right to that nominee only after his death. During his lifetime he can deal with it as he likes. But if the nominee happens to be a wife or the children, then a trust is created under the existing act. It is no longer open to the policy-holder to deal with with the policy as he likes. That becomes a trust and he is protected against himself and is also protected against creditors. That is a family provision. My Honourable friend has sought to modify it by allowing an option to the policy-holder or to the assured of either giving the benefit of trust in favour of his wife or children or to anybody else. They are also ordinary nominees, little better than others. I am sure my Honourable friend who sits behind me, the lady member on whom I rely for supporting my amendment to this particular clause and reinforcing my arguments when she rises to speak, and also the other lady member, who has come into the Assembly recently (unfortunately neither of them are either in front of me or behind me)

Mr. President: One of them is in front of you.

Sri M. Ananthasayanam Ayyangar: I am so glad. I am sure they will rise in their seats at the proper moment to support the retention of the original clause.

Then there are certain technicalities in regard to procedure. After the assured passes away, the money has to vest in the official trustee and then he passes it on to the wife or the children. At this stage the official trustee, a host of clerks and lawyers come in and many charges are made. By the time the money passes into the hands of the nominee for whose benefit the policy was taken some 50, 60 or even 75 per cent. go away. That is the provision of my Honourable friend. I have tabled an amendment to get over that difficulty. It is open to the Assembly to modify the procedure and make the money payable straightaway without detracting from the nature of the policy being a trust for the wife and the children. I hope my Honourable friend will consider the amendment. I will make my further submission later as to how it is a matter of substance, not merely of form. So far as the substance is concerned I would beseech the Honourable Member not to interfere with the

[Sri M. Ananthasayanam Ayyangar]

wholesome provision that has been there since 1874. And as to form I hope with his assistance there will be no more difficulty in passing it: that as soon as the policy matures the money should be paid straightaway to the persons who were nominated.

There are one or two further amendments that I have given and at the proper time I will make my fuller submission. But at this stage I would only make one observation. When a policy lapses under the Bill as was provided originally and even as it emerged from the Select Committee, the policy lapses if the agent who was instrumental in getting that policy taken by an assured, if that man sleeps over it and does not have it renewed (it has to be renewed only by a medical certificate), any other agent, who is alert, can get it renewed in which case he shall be given half the premium or half the future premium. I find that that applies under the old sections of the Act to policies whose life has not been more than three years. After three years there is no question of lapse. Therefore I have tabled an amendment so as to cover this. I have given this advantage to all agents who might try to revive policies even after three or four years and even policies of many years' standing. I am sure that the Honourable Member will see that it does not run counter to the objects with which he framed this amendment to the original act.

My Honourable friend is a layman like myself. The Honourable Member who sits behind him, the Superintendent of Insurance, was anxious to impose heavy penalties rising from Rs. 50 in one case to as much as Rs. 1,000. Agents who are anxious to canvas or to induce some one to take a policy might offer to forego their commission. There are already penalties if an agent misbehaves in that manner, if he parts with a portion of the premium due to him. That is sought to be discouraged under the Act. For any single act the fine is Rs. 50 and it is sought to be enhanced to Rs. 1,000, both with respect to the agent as well as the assured. I would like that the amount should be reduced. It is sufficient penalty for the agent to put him under the threat of dismissal or his licence being cancelled. That is so far as the agent is concerned. But the man who takes a policy is a layman and may not know the implications and I feel therefore that the penalty of Rs. 1,000 is too high. In other respects there are not many things of substance here and I am only awaiting with very great eagerness to see the final form. Almost every day I am receiving thousands of telegrams and representations. I shall be only too glad to see that this Bill is pushed through as early as possible.

Mr. Abdur Rahman Siddiqi (Calcutta and Suburbs: Muhammadan Urban): Sir, I do not know if it is worth while replying to all the points the Honourable Member who preceded me has raised. He is going to move his amendments and we shall then get a chance of speaking on them. Arguing obstinately in the way in which the Honourable Member does, does not lead us anywhere. He has spoken and spoken in the Select Committee and in the House and yet he says he will speak more fully later on. I do not know what he is going to speak.....

Sri M. Ananthasayanam Ayyangar: You will get disillusioned.

Mr. Abdur Rahman Siddiqi: The main point where he gives up the ghost is when he says he is a layman and that he does not understand. That is why there is this long-drawn argument which does not help either the companies or the agents or the insured or anybody. I would therefore request him to be guided by people who are in the business, who understand the rights of the insured as well as those who insure them and who are not, as I said in an earlier speech, all *badmashes*. That we have black sheep among us I have admitted. He has raised the point again, and at such terrible length, about the superintendent of insurance being an actuary. The present amendment does not stop an actuary from becoming a superintendent; but as India has not got enough actuaries I see no reason why a non-actuary should not be a superintendent. His view that an actuary should be the superintendent, and an

administrative officer should be his assistant and *vice versa*, again shows that he has not got a clear grasp of the actual situation as a person who knows about insurance. Therefore, as and when he does. . .

Sri M. Ananthasayanam Ayyangar: One personal remark, Sir. Modesty seems to be a crime with my friend.

Mr. Abdur Rahman Siddiqi:.....and immodesty evidently seems to be a crime—immodesty in the sense of talking long and talking without a convincing argument to convince us of what he is saying a crime with him. I could use immodest and modest words about his eloquaciousness—I shall not do it; but I am mortified at the idea of the fuller explanations he is going to give as and when he moves these amendments. The best brains in the country had gone through this Bill; he too had a chance and in the select committee we had the advice of an actuary of the highest eminence in the country. I do not know what is wanted except that some pages of the printed reports of this Assembly will have names and arguments which will be laughed at outside this House by insurance people. I would therefore support the motion of the Honourable Member that the Bill be taken into consideration and passed at the quickest possible speed, so that we can take into consideration the other and bigger Bill as and when it is proposed during this session.

The Honourable Dr. Sir M. Azizul Huque: Sir, I do not think any reply is needed from me. All I can say is that my friend, Mr. Ayyangar realises that life is rather short and we have been behind these small minor amendments for not one year but for a little over two years. I agreed to have this select committee because I think this matter ought to be thrashed out across the table. My friend was there; distinguished members of the Assembly were there; and I feel that, although I may be condemned as not belonging to a responsible part of the constitution, it is only fair that the convention should grow in Government that if there is a recommendation of a select committee which is in consonance with the policy adumbrated in the Bill, that should be stuck to. I would therefore try to stick to the provisions as recommended by the Select Committee in this measure, unless my friend can convince the Members of the House that his amendment is desirable as against the definite recommendation of the select committee. As regards the assurances he wants, I have assured him repeatedly that Government realises the task which will be required of a superintendent of insurance, not merely today, but in future years. Having regard to that, Government would certainly not put in an automaton who will not understand either the actuarial calculations or the insurance business itself. I think the fact that this Government took care to find out Mr. Vaidyanathan, who is one of the distinguished actuaries in the insurance world is proof indicative of the fact that Government does not exercise that indiscretion which my friend apprehends. I do not know what the future will be, but we have done so far to find out the best man; and at least for the short period I am here we shall carefully exercise that discretion with which in this Department we have been vested about these appointments.

Mr. President: The question is:

“That the Bill further to amend the Insurance Act, 1938, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President: Clause 2: I find there are a number of amendments by the Honourable Member, Mr. Ayyangar.

Sri M. Ananthasayanam Ayyangar: I am not moving any of the amendments standing in my name.

Mr. President: I find that his amendments also stand in the name of Mr. Venkatasubba Reddiar: perhaps he also agrees with the Honourable Member that they should not be moved?

Sri M. Ananthasayanam Ayyangar: He does not wish them to be moved, Sir.

The Honourable Dr. Sir M. Azizul Huque: On a point of order, Sir; as regards this amendment, my friend has given notice of an amendment which is exactly as the original Act itself. His definition of a policy-holder is nothing more than what is in the Act itself. When an Act is sought to be amended by a Bill, can he by an amendment say that he wants the provision of the original Act to be incorporated in the Bill? I do not know. Of course, about the second part, I have nothing to say except that I would request my Honourable friend not to press it.

Sjt. N. V. Gadgil (Bombay Central Division: Non Muhammadan Rural): It has not yet been moved!

Sri T. V. Satakopachari (Tanjore *cum* Trichinopoly: Non Muhammadan Rural): Obviously my friend the Honourable the Mover has not completely read my amendment. With due deference to my Honourable friend, Mr. Siddiqi, I am not prepared to concede the monopoly of brains to him for either drafting this Bill or to the Select Committee who have looked into the matter. I still think that the House and Members of this House have got a right to suggest improvements, if any, and it is for this House to consider. I will read my amendment: I move—

“That for clause 2 of the Bill the following be substituted, namely:

“2. *Amendment of Section 2, Act IV of 1938.*—In Section 2 of the Insurance Act, 1938 (hereinafter referred to as the said Act),—

(a) Clause (2) shall be re-numbered as Clause (13) and clauses (3) to (12) shall be re-numbered as clauses (2) to (12) and for clause (13) as so re-numbered, the following clause shall be substituted.”

Section 2, Sir, always happens in all Acts to be the definitive section, and usually we have got an alphabetical arrangement of the order, which is to facilitate easy reference. I know the difficulties which we feel as practitioners. My Honourable friend Mr. Siddique thought that there was only one set of persons to be considered in the matter, that is the insurer and he probably would concede a little more for the assured. There is, however, the Court which has got to interpret the law and there are the lawyers who have to help the Court in interpreting the case. Considerable difficulties are likely to arise from clumsy and bad drafting, if it does not incorporate the intentions of the Legislature well. If the alphabetical order is departed from in a hurry, we will find that the definition is not in its proper place. When you are about to pass an Act, is it not wise to conform to the general principles of legislation. What I suggest is a formal thing and if it could be done at this stage, there will be no difficulty. So, I would move the first portion of my amendment—that the definition of policyholder shall be re-numbered, so as to make it alphabetically correct. May I move the other amendments?

Mr. President: The Honourable Member might move the whole amendment. I will put it to the House in parts.

Mr. T. Chapman-Mortimer (Nominated: Non official): On a point of order. I submit it is this kind of amendment which leads to confusion. I would suggest that if it is proposed to accept part (a) of the amendment by re-numbering clauses, the correct time to do it is at the third reading and not to confuse the issue at this stage where issues of principle come in. A lot of amendments being made in this Bill got into the original Act precisely because Government, on the floor of the House, accepted parts of an amendment and that is how these various mistakes arose. I would respectfully suggest that the matter be dealt with at the third reading as regards the re-numbering of the clauses.

The Honourable Dr. Sir M. Azizul Huque: As regards the re-numbering, that might be left over to a later stage. It is not merely this section. There are so many things which will come up later on that it is better that the Act is looked into from that point of view later on. I can promise that after the two Acts are gone into by this House I will have this question of re-numbering of the whole Act looked into. Otherwise we may have snags.

There might be a reference in one section to a particular clause and changing it without making corresponding changes in other places will mean the upsetting of the whole scheme. That is why I suggest that the question of re-numbering is a matter which should be looked into as a whole after both the Acts have been dealt with.

Sri T. V. Satakopachari: I have no objection.

Mr. President: The position stands like this. There is a difference between what Mr. Chapman-Mortimer says and what the Honourable Member in charge of the Bill is suggesting. He wishes to have another Bill.

The Honourable Dr. Sir M. Azizul Huque: The whole question will be looked into at a later stage if necessary by the Legislative Department.

Sir George Spence (Secretary, Legislative Department): It would normally be done in a Repealing and Amending Bill.

Mr. T. Chapman-Mortimer: My only object in raising the point was that Government would not, and the House would not, at this stage accept amendments roughly prepared on the floor of the House; because it leads to disaster in the end. I do not mean "disaster" literally. It leads at least to confusion.

Mr. President: As regards the suggestion to have the amendment at the third reading, I find a little difficulty about it as to whether it will properly be an amendment for the third reading of this Bill. That is why I was thinking of permitting it at this stage; but if the whole question of re-numbering is to be gone into by a separate piece of formal legislation, as the Honourable Member has said, I think that will be a better arrangement. Then he does not move whole of part (a) of the amendment. Some part of part (a) will have to be moved.

The Honourable Dr. Sir M. Azizul Huque: This is the nature of a negative amendment. What he wants by way of an amendment is exactly what is in the original Act.

Mr. President: Let him first move the particular amendment which he now wants to. His amendment would be:

That for clause 2 of the Bill the following be substituted, namely, "2" and so on.

Instead of 13, 2 will come in:

"policy holder" includes the person who is or becomes, etc.

Sir George Spence: As regards the Honourable Member's amendment, he says that 'for clause 2, the following be substituted' and then he sets out exactly what is now in the Act. The right way of doing that is to adopt the formula in the amendment of Mr. Ananthasayanam Ayyangar and say that sub-clause (a) of clause 2 of the Bill be omitted. That will leave the definition of policy holder in the Act unchanged. That is what he wants.

Mr. President: I had that point in mind. The difficulty has been created by the drafting of clause 2 of the present Bill. Clause 2 of the present Bill seems to amend two definitions and the present amendment deals with half part of that. So it is not possible to say that the present amendment is a direct negative of the entire clause.

Sir George Spence: May I make a submission. Clause 2 of the Bill has two sub-clauses. Sub-clause (a) makes an amendment in clause (2) of section 2 of the principal Act. The Honourable Member purports to amend clause (2) of section 2 of the principal Act but in fact he says 'the following clause be substituted' and then sets out exactly what is now clause (2) of section 2 of the principal Act. That is to say, policy holder includes the person who is the absolute assignee of the benefits. The Honourable Member's amendment in this form will simply be—for clause (2) of section 2 of the principal Act the following shall be substituted and it will purport to substitute exactly what the clause now is and I again submit that the right course is to adopt the formula in Mr. Ayyangar's amendment—to omit sub-clause (2) of clause 2 of the Bill. Then the Bill will leave this definition in the principal Act alone.

Mr. President: Then the objection is as regards the form; not of substance.

The Honourable Dr. Sir M. Azizul Huque: Except that it is in a negative form. That is a matter for you to decide.

Mr. President: As regards the negative effect of it, as I have just pointed out, as two sub-clauses are included in the same clause, I do not see why a Member should not say that in a particular portion of the proposed Bill a particular part be omitted. So, it cannot be rejected on the ground of its being a negative but as regards the form I follow what the Honourable Member has said.

Sir George Spence: Sir, I must apologise for the fact that I have been misled. I thought that the Honourable Member's formula was exactly the same as the formula in the Act, but I now find it is not. I see he puts in "who is or becomes the absolute assignee", whereas in the Act, it is "who is the absolute assignee". If the Honourable Member's motive is to put in the words "or becomes", then his amendment as drawn is all right but I do not know whether he really wants to put in the words "or becomes".

Sri T. V. Satakopachari: That is precisely what I wanted to state. The amendment is not there in the Act. Instead of the words in the Act and instead of the words suggested as amended by the Select Committee, I suggest some other wording which might become operative in the Act.

Mr. President: The Honourable Member may move his amendment.

Sri T. V. Satakopachari: Sir, I move:

"(13) 'policy holder' includes the person who is or becomes the absolute assignee of the entire benefits under a policy."

This is the amendment suggested by me. The wording in the Act is:

"(2) 'policy holder' includes the person who is the absolute assignee of the benefits under the policy."

Mr. President: That has been cleared by Sir George Spence. The wording is there.

Sri T. V. Satakopachari: I will just mention the reasons why I want my amendment. I have put in only two words. I have put in the words 'or becomes' and also "the entire". Now, Sir, there is no definition of 'policy holder' in the Act. I find in the English Act, the corresponding Act being the Assurance Companies Act of 1909, there is this definition of 'policy holder'. A 'policy holder' is defined as a person who for the time being is the legal holder of the policy for securing the contract with the assurance company. At first I thought that such a definition can be incorporated. I found that it was neither exhaustive nor accurate. It was found to be so by the English courts. For instance, I might mention that a *cestui que trust* may be the legal holder, but he may not be entitled in his own name to sue. The language of the definition may not cover him. Even an equitable mortgagee by depositing the deeds may be there a 'legal holder'. But he is not so in India. So, I can understand that the definition is omitted. But then we know very well that when the statute says 'means', the meaning is always in a restrictive and definite sense. That is, it can not mean anything else. But when the statute says, 'means and includes', the word 'includes' incorporates an extension of the definition. I may mention, for instance, the definition of "'man' includes 'woman'." But normally the word 'man' will denote only the 'male human being', but when it says, 'includes', then the term is extended into a meaning which is not used in common parlance, but which is necessary as a term of art. Like that, I can understand if you use the word 'includes' and enlarge the scope of the definition. I am afraid the Select Committee has not enlarged the definition of 'policy holder', albeit it uses the word 'includes' and it has restricted the word. As a

matter of fact, that is why my amendment is necessary. Now the amendment suggested by the Select Committee says:

"policy holder" includes a person to whom the whole of the interest of the policy holder in the policy is assigned once and for all. . . .

Sir, I had great difficulty when I found the words 'once and for all'.

Mr. President: The House will now adjourn for Lunch. The Honourable Member may resume his speech after Lunch.

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

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

Sri T. V. Satakopachari: Just before the House rose for lunch, Sir I was trying to put before the House the proposition enunciated clearly by Lord Esher in the well-known case of Gough *Versus* Gough that when a Statute says "means" the Statute restricts its meaning and when it says "includes" it extends its meaning. I was trying to point out to the House that the proposed amendment, while it says it includes a particular meaning really restricts the application of the definition, and that is what I am pointing out is not correct. I would suggest that the amendment I propose in substitution is a word of extension and therefore it expresses the idea much more clearly and brings into its scope several persons who have rights to sue as policy-holders, several persons who have the right and who should be given the right. I shall take the amendment suggested by the Select Committee and point out where I find it deficient. This is what is suggested: "Policy-holder includes a person to whom the whole of the interest of the policy-holder in the policy is assigned once and for all". Now, I really cannot understand the expression once for all to mean except what it literally means, that is, once—at one time—and for all—for all the time. I mean if an assignment is to be made and the assignee is to become policy-holder, it will mean that the assignment would have to be made once and for all, that is to say, completely and absolutely at one time. You cannot have assignments in portions relating to the same person. I shall try to make it clear. Now a man assigns his policy, or assigns half the interests of his policy, to his daughter, say. He expects to have a son to whom he would like to pass the other half. If he has no son he might like to pass the other half also to his daughter. Eventually there comes a stage when he cannot have a son. So he assigns the other half also to his daughter. Then, is the daughter not a person who is a policy-holder, because she has had her assignments in two portions? I mean the phrase "once and for all" is a phrase which attaches to the tempo and not to the quantum or share. Now, the law recognises assignments in portions. It need not be to the same person. It may be to several persons, but at the same time it may be to the same person. Suppose it is the same person and he or she qualifies and becomes an absolute holder, an absolute beneficiary. Is that person going to be a policy-holder at all or not? It seems to me that the definition suggested by the Select Committee will exclude such persons. And it will be wrong because the result will be that such a person will be absolutely entitled under a policy under those circumstances though in portions, but that person will not be a policy-holder. When the time comes for suing—I take it that the assured dies—the heir of the assured will be entitled to sue. He will be the policy-holder, but the beneficiary will be the person who has had the assignment now completed in full. That creates an anomaly and I wish to avoid it, Sir. That is why I thought that the expression "once and for all" restricts its scope and it is inadequate.

I shall come to the second part. This is what it says: "but does not include an assignee thereof whose interest in the policy is defeasible". The word "defeasible" is a word with which both courts and lawyers have found it not feasible to deal easily.

[Sri T. V. Satakopachari.]

Then it says "or is for the time being subject to any condition". The words "for the time being" are new insertion. Are we to say that a person who was not a policy-holder at a particular stage will become a policy-holder at a further stage and so on? I mean it introduces a confusion, and, I am afraid that the amendment, as it reads as a whole, will create a lot of litigation about who is a policy-holder and who will be entitled to sue.

Now, the amendment I suggest seems to me to be better and I commend it to the consideration of the House. That is, if the House thinks that only full assignees should be entitled to become policy-holders to be able to exercise the right of policy-holders, then I think the amendment that I have suggested fills the bill much more. In my amendment I have sought to incorporate the words "or becomes". That is to say, it recognises a person as a policy-holder if that person is the original contractee. If he is not, if the person is an assignee, then, if the assignment is conditional or contingent or successive, if it is singular or plural, if there are many persons one behind the other, if that person qualifies 'supposing the contingency is fulfilled or satisfied', then, if the words "or becomes" are added, it will make the person entitled to become the policy-holder. So, I would submit that the inclusion of the words "or becomes" satisfies the intention much better than the words suggested by the Committee.

It also excludes by indication a person who is not an absolute assignee of the whole interest, that is if he is not an absolute assignee or does not become an absolute assignee. So, a person who is not an absolute assignee is now excluded. If he becomes an absolute assignee later on, then he qualifies himself to be a policy-holder. That will be quite sufficient, and the House very well knows the proposition "*Expressio unius est exclusio alterius*."

If you express a particular thing in a particular manner, then all other inconsistent things which cannot go along with that will be excluded. So, I would submit that the amendment that I have proposed for the definition of the policy-holder is better and I commend it for adoption by the House instead of the amendment suggested by the Select Committee.

Then I pass on to the third part of my amendment, viz., clause (b). There I have tried only to put the thing in clause (15) in better language than the Select Committee have used. The Select Committee's amendment is:

"in clause (15), after the words, 'who shall' the words and figures 'after the 31st day of December 1953' shall be inserted."

Now clause (15) of section 2 with this amendment would read thus:

"Superintendent of Insurance" means the officer who shall, after the 31st day of December 1953, be a qualified actuary appointed by the Central Government to perform the duties of Superintendent of Insurance under this Act."

It is not clear whether the date refers to the date of the appointment or to the date of the qualification. If a person qualifies himself before that date will he be excluded? Therefore I suggest, with due deference to the members of the Select Committee and the Mover, that the language is not happy, and therefore I have proposed my amendment which better expresses the idea which lies behind the amendment suggested by the Select Committee. With regard to the period mentioned there might be difference of opinion in the House, but I do not believe that we are constrained to adopt the *ipsissima verba* of what the Select Committee has done. We are entitled to change it and it is a change for the better. Even though it is a verbal change I would invite the House to consider it and adopt the amendment I have suggested. Sir, I commend my amendment to the House.

Mr. President: With the consent of the Honourable Member I will put his amendment in a slightly amended form; he will kindly follow what I am reading.

Amendment moved:

"That for clause 2 of the Bill, the following be substituted, namely:

'2. *Amendment of Section 2, Act IV of 1938.*—In section 2 of the Insurance Act, 1938. (hereinafter referred to as the said Act),—

(a) for clause (2) the following clause shall be substituted, namely:

"(2) 'policy-holder' includes the person who is or becomes the absolute assignee of the entire benefits under a policy";

(b) for clause (15) the following shall be substituted, namely:

"(15) 'Superintendent of Insurance' means an actuary qualified under the rules and appointed by the Central Government as Superintendent of Insurances to perform the duties of that office under the Act, provided that until 1st January, 1954, he need not necessarily be such qualified actuary'."

Mr. L. S. Vaidyanathan (Government of India: Nominated Official) : Sir, the words in clause 2 "assigned once and for all" mean nothing more than a paraphrase of "absolute assignment", because when once we introduce the word "absolute" we shall have to define what it is and that will create a lot of difficulty. And that is precisely why the amendment in question has been proposed by us. Our main object is to exclude from the definition of "policy-holder" or from the purview of what are "policy-holders" conditional assignees, because it has created practical difficulties. First and foremost, I may explain that the object of this amendment is to make conditional assignments more popular because, as the House knows, most of these conditional assignments are made in favour of wife and children; and it is very desirable that such assignments should be resorted to by policy-holders in very large numbers. There is possibly a doubt in the mind of the Honourable Member who has moved the amendment to this clause that the proposed amendment in the bill of the definition of "policy-holder" will affect the financial rights of conditional assignees. Nothing of the sort is meant at all. The financial rights of conditional assignees remain as much intact after the change in the definition of "policy-holder" as it would be before such change. Then the third reason why we have introduced this alteration in the definition is that without this alteration conditional assignments would become unpopular, and it is our earnest desire to popularise these as much as possible; because the policy-holder while retaining all the rights in the policy—the most important right being the right to vote at election of policy-holders' directors—would like to pass on the benefits under the policy to his wife and children in case of his death prematurely. If, on the other hand, you make the wife and children themselves the policy-holders under the policy and thereby entitled to vote, the policy-holder might not like to divest himself of this privilege which the holding of the policy confers on him. That has been practically the case in several instances, and it is our desire, as I said before, to popularise conditional assignments as much as possible. That is why we want to exclude conditional assignees from being roped in as policy-holders.

Then comes the most important and vital question, that is, that if conditional assignees are considered policy-holders and they are given the right to vote,—and, as I said before, conditional assignments being in 98 per cent. of cases, if not more, for the benefit of wife and children,—you practically freeze a large number of votes which would otherwise be intelligently used at the election of policy-holders' directors. Because, children may be minors and therefore not eligible to vote, and ladies may not be approached at all. That will particularly be the case where Muslim conditional assignments are in question; Muslim ladies being mostly in purdah could not be approached at all. And you will straightaway freeze all these voting rights, with the result that the directors will be elected by only a few of the policy-holders instead of the franchise being widespread.

Lastly, Sir, there is this practical difficulty—although I have put it last in the order of its importance—that if a policy is assigned to A and after A to B and with reversion back to the policy-holder after the death of both A and B, there is a doubt as to who the policy-holder is and who has the right to vote.

[Mr. L. S. Vaidyanathan]

One cannot create two votes on one policy. From all these points of view it will be highly desirable to restrict the definition of "policy-holders" only to the life assured in the case of conditional assignments, and therefore we oppose clause (a) of the amendment.

As regards clause (b) of the amendment, it is very loosely worded. It speaks of an "actuary qualified under the rules". The definition of the word "actuary" means that he has the proper qualification as actuary. My Honourable friend's amendment would require him to be qualified "under the rules". I do not know what the rules for this purpose would be. So there is to be a sort of double qualification and I do not see that it is necessary at all; and his amendment is loosely worded. The definition of the Select Committee appeals to us better so we oppose both parts of the amendment.

The Honourable Dr. Sir M. Azizul Huque: I will just have one word in reply and that is to remind my Honourable friend, Mr. Ananthasayanam Ayyangar, that he is probably responsible for the amendment of today; in 1938 legislation there was no definition of a 'policy-holder', and at the last stage there was an effort to amend by putting in the definition of a 'policy-holder'. This was very strongly objected to and at the last stage Mr. Ayyangar moved exactly the present definition. My Honourable friend, Mr. Chapman-Mortimer, at that very stage objected very strongly to that definition going in, but ultimately however it was accepted. What is the result? The result is that the definition which was not in the original Bill was included. With no definition in the original Bill, it was originally left from the tenor of the Act to find out as to who is a policy-holder. As the definition now stands, a policy-holder includes a certain category. Therefore when you define a policy-holder by saying that policy-holder includes the person who is an absolute assignee, it means there are obviously others who may be treated as policy-holders. Thus the legal interpretation has been that even a conditional assignee may be considered a policy-holder and obviously the very object for which this definition was put in was frustrated by these legal interpretations. Our purpose is to make it clear, with the original definition being there, that policy-holder not only includes a category, but does not include another category and that category is the assignees whose interests are defeasible or are subject to a condition. Therefore our purpose is merely to clarify as to who a policy-holder is. He is an absolute assignee—there is no question about that,—but he is not, according to the legal interpretation, one whose right is defeasible or subject to a condition. That is all what we have attempted to do in the present definition. And I think my Honourable friend will agree with me that though the original idea was that the policy-holder includes an absolute assignee, the word 'include' being there, it is interpreted in a different way, and in order to clarify it we have put this definition.

I do not think I need say anything about 'Superintendent'. My Honourable friend obviously has not seen the definition of 'actuary' which means actuary possessing such qualifications as may be prescribed

Sri T. V. Satakopachari: Prescribed under the rules

The Honourable Dr. Sir M. Azizul Huque: That is redundant; qualifications are prescribed under the rules. I think on the actual grounds of substance both he and myself are on the same ground. His draft is new. I have a little bit of experience. He is also a lawyer I think, and I have been a lawyer, but my experience in the different Assemblies has been that it is always better not to try to change the language of an Act on the floor of the House. It leads to a very great deal of confusion, and while I have my fullest sympathy for it, I will not accept it. Sir, I oppose it.

Sri M. Ananthasayanam Ayyangar: I did not want, to partake in this debate, but I will say one word on this matter. My Honourable friend referred

to my having interposed an amendment just at the last stage when the 1938 legislation was on the anvil and that led to all the complication, and my Honourable friend with the assistance of his colleagues has now come forward to set it right. I am afraid I yielded to the amendment of the Government merely to purchase peace for my Honourable friend. I do not still think that this amendment is necessary. There is a better judge—Sir Nripendra Sircar, who was then piloting this Bill. The amendment was “‘Policy-holder’ includes the person who is the absolute assignee of the benefits under the policy”. Mr. Chapman-Mortimer then raised an objection regarding this notice in very similar terms. Then Sir Nripendra Sircar said :

“Sir, I am glad to explain the position. As a matter of fact Mr. Ayyangar moved his amendment in this form because I took objection stating that I did not want mere mortgagees or persons having a charge to be included and, therefore, he has now moved it in the form acceptable to us. My Honourable friend, Mr. Chapman-Mortimer’s question is completely answered by clause 33, paragraph 5 :”

The assignee shall be recognized to be the policy-holder for all purposes under the Act. That is incorporated in section 38, clause 5 of this Act, i.e., clause 33 of that Bill. But anyhow they found certain difficulties. This amendment is not going to make it worse; let it clarify the position. Therefore I consented to it.

Sri T. V. Satakopachari: Sir,

The Honourable Dr. Sir M. Asizul Huque: I do not think he has a right of reply.

Mr. President: I am sorry the Honourable Member has no right of reply.

Mr. Sasanka Sekhar Sanyal (Presidency Division: Non-Muhammadan Rural): Sir, is it not open to the Chair to give permission to the mover of the amendment?

Mr. President: That is what I thought, but my attention is invited to the rules.

Mr. P. J. Griffiths (Assam: European): It is Standing Order No. 32 on page 13 of the new edition—discretion is vested in the President.

Mr. President: I would like to invite the attention of Honourable Members to this proviso:

“Provided that nothing in this sub-paragraph shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution, save with the permission of the President.”

“Save with the permission of the President”; whether permission used to be given or not in the past is a different question. If permission was not given, that does not mean that the right to give permission is not there under the Standing Orders.

Mr. Abdur Rahman Siddiqui: Permission has to be asked for.

Mr. President: I myself was under the impression that with the permission of the President the mover of an amendment could have a right of reply. That was why I permitted the Honourable Member to speak. Even when the Honourable Mr. Ayyangar got up to speak I was under the impression that the Honourable the mover had replied to the debate, but I was reminded that the mover of the amendment was another gentleman and therefore I allowed him to speak. Then of course my attention was invited or rather a

3 P.M. reference was made to Standing Order 32 and I was told that so far as the Rules of this House go, there was no such power in the President. I was under the impression that the President had the power. That is now very clear. From the procedure in the Bombay Assembly my own impression was that the Chair had the power of allowing movers of amendments to reply. But I was not sure of the Rules of this House. As regards the desirability of allowing the mover of the amendment to reply, when there has been a discussion on the particular wording of the amendment and when the honourable

[Mr. President]

mover of the amendment has stated his case as to why he wants the change in the wording, it is proper that he should have a say in the matter: though, of course, I must say that I agree with the observation of the Honourable Member in charge of the Bill that it is very dangerous to touch the wording of any piece of legislation which has come up from the Select Committee, where it is assumed that all the questions including the question of language had been argued and discussed threadbare. But that does not mean the House has not the right of changing the wording, if it so likes

Sri T. V. Satakopachari: If we are going to tamper with the existing legislation, I mean if a Bill for an amendment could be brought and the existing legislation is going to be disturbed, I suppose we have the same danger there also. So I cannot myself appreciate the danger which will come when any Member of this House rises and wants to suggest some improvements which he considers necessary to be there, because I think that the Select Committee is not the last word on the subject. I should leave it there.

I wish to correct the impression which my honourable friend made, or probably made, that Mr. Ananthasayanam Ayyangar had something to do with these amendments. Absolutely not. He had nothing to do with these amendments.

Mr. Abdur Rahman Siddiqui: He said so himself.

Sri M. Ananthasayanam Ayyangar: I did not say that I had anything to do with these amendments.

Mr. President: Order, order.

Sri T. V. Satakopachari: When he referred to the fact that there was a previous discussion it became relevant to this matter. I am afraid I do not see any reference at all.

I was not convinced by my honourable friend, Mr. Vaidyanathan when he said that conditions of assignment were sought to be excluded by his wording but would not be excluded by my wording. My point is precisely the same that my expressions exclude a conditional assignment until the condition or contingency becomes satisfied. The only thing is the language. It conveyed the idea better and will end litigation which may be possible under the other amendments. Anyhow with the suavity and persistence which probably my honourable friend on the opposite side has been getting from the canvassing agents of insurance business, they have stuck to their guns and they have been as determined and logical as the gentlemen wanting us to insure ourselves willy-nilly.

Mr. President: I shall put the amendment to the House in two parts: firstly the portion as regards the policy-holders and thereafter the other part.

The question is:

"That for clause 2 of the Bill, the following be substituted, namely:

"2. *Amendment of Section 2, Act IV of 1938.*—In Section 2 of the Insurance Act, 1938. (hereinafter referred to as the said Act),—

(a) For clause (2) the following clause shall be substituted, namely:

"(2) 'policy-holder' includes the person who is or becomes the absolute assignee of the entire benefits under a policy;"

The motion was negatived.

Mr. President: The question is:

"That for clause 2 of the Bill the following be substituted, namely:

"2. *Amendment of Section 2, Act IV of 1938.*—In Section 2 of the Insurance Act, 1938. (hereinafter referred to as the said Act),—

(b) For clause (15) the following clause shall be substituted, namely:

"(15) 'Superintendent of Insurance' means an actuary qualified, under the rules and appointed by the Central Government as Superintendent of Insurances to perform the duties of that office under the Act, provided that until 1st January, 1954 he need not necessarily be such qualified actuary."

The motion was negatived.

Mr. President: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Sri T. V. Satakopachari: Sir, I move:

"That for sub-clause (a) of Clause 3 of the Bill, the following be substituted, namely: '(a) in sub-section (1), after the words "from the Superintendent of Insurance a certificate of registration", the words "for such business" shall be inserted'."

It will be clear from a reading of Clause 3 that it wants to avoid only a repetition of the same words and so it would be better.

Mr. President: Amendment moved:

"That for sub-clause (a) of Clause 3 of the Bill, the following be substituted, namely: '(a) in sub-section (1), after the words "from the Superintendent of Insurance a certificate of registration", the words "for such business" shall be inserted'."

The Honourable Dr. Sir M. Azizul Huque: I have already explained that on principle I am not in favour. I have come to grief on many occasions because at an unwilling moment I had to accept a change in the language which was not particularly considered. Clause 3 (a) means that no person.....shall continue to carry on any such business unless he has obtained from the Superintendent of Insurance a certificate or registration for that particular class of business. That is our amendment. My friend wants that after the words "from the Superintendent of Insurance a certificate of registration" the words "for such business" shall be inserted. The result will be "that no person.....shall continue to carry on any such business unless he has obtained from the Superintendent a certificate of registration for any such business". I do not like to say it, though English is not my mother tongue that the words "any such business" should not be repeated twice in the same clause and in order to make it clear it is said for that particular class of insurance business.

Mr. President: The question is:

"That for sub-clause (a) of Clause 3 of the Bill, the following be substituted, namely: '(a) in sub-section (1), after the words "from the Superintendent of Insurance a certificate of registration", the words "for such business" shall be inserted'."

The motion was negatived.

Mr. President: The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Sri M. Ananthasayanam Ayyangar: Sir, I move:

"That in sub-clause (a) (i) of Clause 5 of the Bill, in sub-section (1) of Section 4, the words 'a Co-operative Life Insurance Society or' be omitted; and that in sub-clause (b) of Clause 5 of the Bill, in the proposed clause (b) of sub-section (2) of Section 4, the words 'a Co-operative Life Insurance Society or' be omitted."

The Act has framed the maximum distinction between policies, the maximum amount to which policies of life insurance can be granted and the minimum with which the other insurance companies can start. All insurance companies are allowed to transact business or undertake policies of insurance above Rs. 500 and not below. Below Rs. 500 was reserved for provident societies in particular and with respect to co-operative societies and mutual insurance companies which are intended to cater to the members amongst themselves this restriction was not imposed upon them. They were allowed to transact business from Re. 1 right up to the infinite. It was found by the framers of this Bill that with respect to some of the mutual companies they were transacting business not on mutual lines, not adopting principles on which mutual insurance companies have been based, covering merely and particularly to the needs of the members of the institution, but were acting as proprietary concerns with profits as their purpose. Therefore the framers of the Bill wanted a restriction in favour of mutual

[Sri M. Ananthasayanam Ayyangar]

societies. As the Superintendent of Insurance wanted or at his discretion we have modified it in the Select Committee by inserting the words "according to rules as may be prescribed." I hope I am not disclosing a secret but I am bound to take the House into confidence, suddenly some one in the Select Committee proposed that Co-operative societies also should be brought within, that is even amongst members of the co-operative societies they ought not to insure for any amount less than Rs. 500. I took exception on the ground that co-operative societies stand on a different footing from mutual companies in that co-operative societies are governed by special acts and there is a hierarchy of public servants who watch the transactions of insurance societies from stage to stage and therefore it is not desirable to include co-operative societies also and to restrict their activities. Sir, last time in 1944, the same Bill was introduced in this Assembly and it was referred to a Select Committee consisting of eminent members of this House including the Leader of the Opposition, Sjt. Bhulabhai Desai. There they did not allow the insertion of co-operative societies and restriction being placed upon co-operative societies. There is a specific note by Mr. Desai that co-operative societies ought not to be put in the same level as mutual insurance companies with respect to some restrictions which were sought to be imposed in that Bill. Therefore I move this amendment to this Bill. Some restriction should be imposed with respect to mutual societies, I agree, but co-operative societies ought to be deleted. I am sure the Government itself will accept this.

Mr. President: Amendment moved:

"That in sub-clause (a) (i) of Clause 5 of the Bill, in sub-section (1) of Section 4, the words 'a Co-operative Life Insurance Society or' be omitted; and that in sub-clause (b) of Clause 5 of the Bill, in the proposed clause (b) of sub-section (2) of Section 4, the words 'a Co-operative Life Insurance Society or' be omitted."

Mr. L. S. Vaidyanathan: Sir, as my Honourable friend has said co-operative societies also were put in the same category as mutual insurance companies at the Select Committee stage (I am not disclosing a secret since he has already disclosed it himself) for a specific purpose. As there are mutual companies, which are only mutual in name and yet are more proprietary than the worst of proprietary companies, there are also co-operative societies which are only co-operative in name but yet compete on the one hand with big insurance companies and with the advantage they possess by the privilege of transacting business for large sums assured, compete unfairly, on the other hand, with the small provident societies. Even one giant if made to fight against a thousand pygmies can defeat them in no time. If Gulliver had not been chained when he was asleep, he would have smashed the Lilliputan empire in no time. There are co-operative societies which are only co-operative in name and have the unlimited advantage of

Sri M. Ananthasayanam Ayyangar: May I ask the Honourable Member if it is the desire of the Government to see that co-operative societies do not compete with big business at all?

Mr. L. S. Vaidyanathan: That is not the idea at all. Our idea is not to allow the so-called co-operative societies, which have the advantage of competing with big business companies also to compete with provident societies for small business. There can be small co-operative societies, whose business is restricted to the limitations imposed by Section 65 of the Insurance Act and they also will be hard hit by the big co-operative societies. Amongst those co-operative societies that are now functioning only those that do not answer to the exact definition of a co-operative society and have absolute freedom to do business amongst the public at large without any limitation for large sums assured on one hand and for small sums assured on the other and thereby compete unfairly with the small provident societies, will not be given the freedom to transact business for small sums assured. Therefore in the rules that will be framed, there will be ample latitude to safeguard the interests of genuine co-operative societies and therefore I oppose the amendment proposed by the Honourable Member.

Mr. President: The question is :

"That in sub-clause (a) (i) of Clause 5 of the Bill, in sub-section (1) of Section 4, the words 'a Co-operative Life Insurance Society or' be omitted; and

that in sub-clause (b) of Clause 5 of the Bill, in the proposed clause (b) of sub-section (2) of Section 4, the words 'a Co-operative Life Insurance Society or' be omitted."

The Assembly divided:

AYES—39.

Abdul Ghani Khan, Khan.
Adityan, Sri S. T.
Asaf Ali, Mr. M.
Ayyangar, Sri M. Ananthasayanam.
Banerjee, Sree Satyapriya.
Bose, Shri Sarat Chandra.
Daga, Seth Sheodass.
Dani, Mr. G. B.
Gadgil, Sjt. N. V.
Gangaraju, Sri V.
Jagannathdas, Sri.
Jhunjhunwala, Mr. B. P.
Karmarkar, Shri D. P.
Khan, Mr. Debendra Lal.
Lahiri (Choudhury), Srijut Dharendra Kanta.
Madandhari Singh, Mr.
Mahapatra, Sri Bhagirathi.
Mangal Singh, Sardar.
Manu Subedar, Mr.

Masani, Mr. M. R.
Mukhopadhyay, Mr. Nagendranath.
Mukut Bihari Lal Bhargava, Pandit.
Narayanamurthi, Sri N.
Neogy, Mr. K. C.
Ram Narayan Singh, Babu.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Reddiar, Sri R. Venkatasubba.
Saksena, Shri Mohan Lal.
Salve, Mr. P. K.
Sanyal, Mr. Sasanka Sekhar.
Satakopachari, Sri T. V.
Sinha, Shri Satya Narayan.
Sukhdev Udhowdas, Mr.
Surjit Singh Majithia, Squadron Leader
Sardar.
Swaminadhan, Shrimati Ammu.
Thakur Das Bhargava, Pandit.
Varma, Mr. B. B.
Vijaya Ananda, Maharajkumar Dr. Sir.

NOES—38.

Abdul Hamid Shah, Maulvi.
Ali Asghar Khan, Mr.
Azizul Huque, The Honourable Dr. Sir M.
Banerjee, Mr. B. N.
Bentham, The Honourable Sir Edward.
Bhattacharyya, Rai Bahadur Devendra
Mohan.
Chapman-Mortimer, Mr. T.
Cook, Mr. B. C. A.
Griffiths, Mr. P. J.
Gwilt, Mr. Leslie.
Hirtzel, Mr. M. A. F.
Hydari, The Honourable Sir Akbar.
Inakip, Mr. A. C.
Kharegat, Sir Pheroze.
Lawson, Mr. C. P.
Mason, Mr. P.
Morris, Mr. R. C.
Naqvi, Mr. A. T.
Oulsnam, Mr. S. H. Y.

Rowlands, The Honourable Sir Archibald.
Sargent, Dr. J.
Sen, Mr. B. R.
Sharbat Khan, Khan Bahadur.
Siddiqi, Mr. Abdur Rahman.
Siddique Ali Khan, Nawab.
Spence, Sir George.
Sri Chand, Chaudhri.
Stokes, Mr. H. G.
Tamizuddin Khan, Mr.
Thorne, The Honourable Sir John.
Turner, Mr. A. C.
Tyson, Mr. Geoffrey G.
Vaidyanathan, Mr. L. S.
Waugh, The Honourable Mr. A. A.
Weightman, Mr. H.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zafar Husain Khan, K. B.

The motion was adopted.

Mr. President: The next amendment that stands in the name of Mr. Vaidyanathan is, it seems to me, merely to rectify a printer's error.

The question is :

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

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clauses 6 to 19 were added to the Bill.

Mr. President: Clause 20. There is an amendment in the name of Mr. Ayyangar who wants clause 20 to be omitted. I do not see how it is in order. It is a negative of the original proposition. The Honourable Member may vote against that clause but his amendment is not in order. He is entitled to have his say on clause 20.

Sri M. Ananthasayanam Ayyangar: This amendment relates to the married women's rights. As I said at the consideration stage, it is not merely a matter of form but it is a matter of substance. Life insurance is a kind of protection for the family of the assured. The primary members of the family who are the centres of his affection are his wife and children. They are normally the nominees of any assured in his policy. The policy of life insurance is the absolute property of the assured and therefore he can sell it, mortgage it or pledge it or do anything with it. He can make a gift of it to whomsoever he likes and his creditors can lay their hands upon that policy. As soon as any person makes a proposal it is also normally incumbent upon him to nominate the persons to whom it should go in case of his death but if the nominees are his wife and children he can no longer after the nomination deal with that property as his own. They are protected as against his vagaries and also any creditors who might like to lay hold of his property. This is a very wholesome provision. What the Bill intends to do is to do away with this wholesome provision. Hereafter it is open to a policy holder to say—I get out of section 6 of the Married Women's Property Act. That means that though I nominate my wife or children as the beneficiaries to this policy, both myself and my creditors can lay hand upon the policy and my wife and children may be deprived of this policy. The wife and children are relegated to the category of strangers. But in the Act of 1938 the wife and children were placed in a different category. That special exemption is sought to be taken away for some supposed administrative inconvenience.

The history of this legislation date back to 1874 when the first Married Women's Property Act was passed, specially applying the provisions of that Act to Christians in this country. Hindus and Muhammadans, Jains and others were exempted from the operation of that Act. There was no Insurance Act in force in India then. The first Insurance Act was passed in 1912. Till then insurance companies were also governed by the ordinary law which regulates companies. Therefore the background of the Act of 1874 must be understood and also the purposes of the legislature then as to how it was intended to be a wholesome provision. Section 6 of the Married Women's Property Act says:

"That a policy of insurance effected by any married man on his own life and expressed on the face of it to be for the benefit of his wife or of his wife and children or any of them shall enure and be deemed to be a trust for the benefit of his wife or of his wife and children or any of them according to the interest so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband or of his creditors or form part of his estate."

But unfortunately they said that this would not apply to Jains, Hindus, Muslims or Parsis. A later Act was passed in 1923 by this Legislature. It contains one clause. It says:

"Notwithstanding anything contained in section 2, the provisions of sub-section (1) shall apply in the case of any policy of insurance such as is referred to therein, which is effected by any Hindu, Muhammadan, Sikh or Jain in Madras after the 31st day of December 1913, or in any other part of British India after the 1st day of April 1923."

This Act was passed in 1923. But it was given retrospective effect, so far as Madras was concerned, from 1913. I read the relevant portions of the debate that occurred when that Bill was on the anvil, how this measure was welcomed by all sections of the House. The same objections that are now being raised on the other side were put in almost in a nutshell. The Married Women's property Act says that if wife or child is noted as the nominee then they become the beneficiaries. After the insured passes away the mode of payment is, if he creates trust, the monies would be paid only to the trustees for the benefit of the wife and children. In case he did not create a trust, then the property would automatically go to the official trustee. Whoever does not leave a trust behind, then his property goes to the official trustee under certain conditions. The official trustee merely acts as the conduit pipe who pays to the wife and children, if there is no condition. But if there is a condition, then he carries out those conditions. It is merely a matter of procedure or form.

I heard the Honourable Member in charge of the Bill say that it was found very difficult and in his own experience he found that the money was deposited somewhere in the capital of the province whereas the person died leaving his wife and children in some other corner of the Presidency. In practice, he found that much less than even half reached the wife and children who are beneficiaries, and that therefore he wanted primarily to avoid administrative difficulties or difficulties of procedure and therefore he was introducing this amendment in the Bill. I would point out, Sir, that that could easily be got over by amending the Married Women's Property Act in this wise, that in cases where the assured does not create any trust by himself and does not nominate trustees, the money instead of going to the official trustee might be deposited in the District Court of original jurisdiction where the assured lived or where his wife and children live and the monies may be paid over in accordance with his wishes. It is purely a matter of form which can be easily modified. We are making so many laws almost every day here. A law once passed can easily be amended and therefore, I submit it is one of mere procedure. We can find ways and means. It is not a matter of procedure alone. On the other hand, we unfortunately find that there is always a difference between employer and employee, similarly, we find a lot of difference between insurer and insured. The insurer is always anxious, if he is a proprietary concern, to make as much money as possible out of the insured.

The House might have observed that while I was on the last amendment, I was persistent in calling for a Division, though I was not sure I would succeed. It was for this reason that all insurance companies must sooner or later become nationalised, or they must become mutual or co-operative. No insurance company ought to be a proprietary concern for the owner to play with the premium paid by the insured in any way he likes. It should not be that the only lot of the insured is to go on paying premium. I am reminded at this stage of a company which was floated in my Province with a humble capital of Rs. 74,000. That insurance company has now done business to such an extent that its annual premium is one crore. I recently heard that some Banks or some private individuals are planning to purchase that insurance company's shares worth Rs. 74,000 for 74 lakhs, so that they can deal with a premium of one crore in whatever way they liked. I do not know if the Honourable Member is going to block all holes. I will wait and see if he does so in the new Bill which he promises to bring shortly. I am anxiously waiting for the inauguration of that Bill. When it becomes law, let us see. In the meanwhile, unfortunately the Honourable Member is making inroads into a very valuable, wise and substantial piece of safeguard for the wife and children of the assured.

As I was submitting, Sir, the interests of the insurer are absolutely different from those of the insured. The insured as the beneficiary is made to bear all the overhead charges of the top heavy administration. There are cases of insured who do not derive any benefit from the insurance company but who go on paying in premium day in and day out. The insured is always anxious to see that he makes a suitable provision for his wife and children. Now, Sir, with great respect to Honourable Members who have spoken and who are going to speak later on, I say that one cannot eliminate the fact that one is an insurer, however much he may talk. The insurance company issues the policy, somebody insures. If the insured nominates his wife or children as the beneficiary under the policy, then he can no longer pledge it or borrow upon it. If this provision is enforced, then the insurance company stands to lose. The insured cannot take loans on his policy without the consent of the wife or children who are the nominees.

One section of the Insurance Act says that 55 per cent. of the capital should be invested in Government securities or approved securities. You know very well that Government securities do not fetch a high rate of interest now-a-days. They are as low as 2 or 3 per cent. But the insurance companies with their top heavy administration and heavy overhead charges want to earn interest in whatever way they can. That is why the insurance companies beguile the

[Sri M. Ananthasayanam Ayyangar]

policy holders by inducing them to borrow on their own policies at high rate of interest. So that in the end when the poor insured passes away, the wife and children are left with practically nothing out of the insurance policy. Do not be carried away by the smiling faces or the sweet words of persons who are in charge of insurance companies. They talk and talk, all the while plotting ways and means to trap the insured to take out loan from the companies. I submit that no insured ought to be beguiled into smooth talks with insurance company directors, with persons who are interested in running insurance concerns. Their interests are diametrically opposed to the interests of the assured. I do not want to use stronger language. You can find appropriate words in the dictionary and every one can see them there. I believe in argument for argument. I therefore submit that persons interested in the running of insurance concerns are always anxious to see that the policy holders borrow on their **policy**. This wholesome provision in the Married Women's Property Act ties down the hands of both the policy holders and also the insurer. I do submit ~~they cannot monkey~~ with this wholesome provision as they do want now by this Bill to do so as against the interest of wife and children who are the beneficiaries under a policy.

Now, Sir, I would only reinforce my arguments with the arguments advanced on the floor of the House by the framers of the Bill to extend the operation of the Married Women's Property Act. Mr. Seshagiri Aiyar, who was at one time a Judge of the Madras High Court was also one of the Members in this House who took part in that debate. He also referred to this other difficulty of getting money from official trustees.

"The second important change effected in the Select Committee is with reference to the question where reference is made to section 6 of the Married Women's Property Act. The object of this Bill is to remove certain doubts created by certain conflicting decisions of three High Courts. My object is to remove these conflicting decisions. Section 6 of the Married Women's Property Act says that a policy of insurance effected by any married man on his own life and expressed on the face of it to be for the benefit of his wife or of his wife and children or any of them shall enure and be deemed to be trust for the benefit of his wife, or of his wife and children or any of them, according to the interest so expressed, and shall not so long as any object of the trust remains, be subject to the control of the husband or of his creditors or form part of his estate. If this section does not apply to Hindus, the disadvantage is that even in a case where the husband insures for the benefit of his wife, either his creditors or members of a Joint Hindu family practically claim an interest in the insurance money and the benefit of that insurance is taken away, so far as the wife is concerned."

Mr. Seshagiri Aiyar, who was a renowned Judge of the Madras High Court and who took part in the discussion said:

"The object of this Bill is to place Hindu widows in the same position as widows belonging to the Christian community. Under the Married Women's Property Act, section 6, if an insurance is effected in favour of wife and children, a trust is created and the insurer is thereby debarred from dealing with the insurance as if it were his own property, and his creditors after his death cannot attach it as if there has been no trust."

Now, Sir, this section tries to do away with this. It was glibly said that this provision crept into the Act of 1938 by a mistake. In the Act of 1938, which is now sought to be amended, no doubt this provision was absent in the Bill as was brought before the House. This provision relating to Married Women's Property Act was introduced only in the Select Committee. Then, after it came back no objection was taken to it. It was found that this provision was necessary and therefore no objection was taken to it at all. I find, Sir, that the framers of this Bill have made a mistake. They say in the Notes on Clauses that this reference to Married Women's Property Act in the Act of 1938 crept in somehow. I do not know how. They say that it crept in and that they discovered it after 1938. It is now seven years. How did they now discover that it crept in when neither the Honourable Member who is the mover nor the other Honourable Member who is supporting was a member of this House. It is therefore strange that they are inventing arguments for supporting a very bad case. My submission is that this is a matter of substance. Let us not make a wholesome provision merely because an insurance company is able to lend to this man. It is to his disadvantage—this bogey that if the

Married Women's Property Act is to be applied, his wife and children find it difficult to get the money from the official trustee. Is the official trustee a looter or a dacoit? He is a public servant. The money goes into the hands of the public servant. The insurance Company can be trusted but not the public servant! The insurance company has no objection to pay away in gold and silver, but the official trustee walks away with the entire money! It is a travesty. In appearing before a Court of Law or in drawing money from a Court there are certain rules of procedure prescribed. Even the vakil has to show the affidavit showing the amount has been paid to the vakil. This is done in the interests of the safety of the persons involved. If necessary we can modify it. But let us not cut the nose to spite the face. What my friends are doing is to do away with the money and make it easy to draw. What am I to draw? There is no money. My friends of the European Group set the model for us long before any Insurance Act was passed. It was restricted to members of their own faith although subsequently for different faiths we have also taken advantage of it. It was in 1874. It was copied in Madras, to which I belong, from 1918. It was reiterated in the Act of 1938. It was not therefore by fluke but with open eyes, two eyes for each member, with two-hundred and eighty open eyes that it was passed. Therefore let no consideration of inconvenience prevail.

I have tabled another amendment. But that amendment I do not want to move. We can sit across the table over that amendment and come to some arrangement as to how the procedure may be modified and how the money can be got from the official trustee. Therefore I respectfully submit for consideration and acceptance of my amendment. I am opposing the clause.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadian Rural): It is not without some amount of trepidation that I rise to speak on this motion. We have already been assured that the Bill as it has emerged from the Select Committee represents the very anxious consideration which the best brains in the country have given to the matter.

Sri M. Ananthasayanam Ayyangar: It has put me to anxiety.

Mr. K. C. Neogy: I have great respect for the Members of the Select Committee. But at the same time I cannot forget that by the particular amendment which we are now discussing, they have sought to tamper with two legislative measures passed by two previous Legislatures. Sir, I hope the House will bear with me for a few moments as I develop my points. My Honourable friend Mr. Ananthasayanam Ayyangar has already referred to the Married Women's Property Act which was passed in the year 1874. That Act excluded from its purview Hindus, Muslims and certain other communities. I think from the practical point of view, before the year 1923, the provisions, in so far as they bear upon insurance, of the Married Women's Property Act, applied only to those who professed the Christian religion and also to the Parsee community. When the Act of 1874, the Married Women's Property Act, was passed, an English law on the subject had already been passed by the British Parliament. I took the trouble of looking up the proceedings of the then Imperial Legislative Council on this subject, and I found that it was not after a mature consideration by the legislature of any peculiarities that characterised the excluded communities of India that they were placed beyond the scope of the Married Women's Property Act. The Honourable Mr. Hobhouse, who I believe occupied in those days a position akin to that of the Law Member, referring to Section 6 as it now stands in the Married Women's Property Act, said that this had been initiated by Government at the instance of certain British Indian companies which were then operating in India. He said that these provisions were found exceedingly useful in England and that he thought that it was equally proper to introduce some of these provisions among the European community in India. The reason why the other communities were being excluded was that the Government did not profess to deal with the delicate subject of connubial relations which existed among native societies. I am quoting from the speech of Mr. Hobhouse. At that particular moment, they hesitated to bring within the scope of this measure

[Mr. K. C. Neogy]

what are called the native societies of India. They were thinking only of the European community then living in India, and the Government wanted to give this community the benefit of a law which had already been passed in England. The English law would be found in Section 10 of the English law, namely the Married Women's Property Act, 1870. This was subsequently renumbered as Section 11 in the Consolidating Act of 1882. Now, Section 6 is more or less a reproduction in substance of the provisions of the relevant section in the English law. This state of affairs continued for sometime without any difficulty because in those days insurance was not very popular among Indians, I take it.

Then, when we come to 1913 and 1914 we find conflicting decisions of different High Courts as to whether, when a husband nominates the wife as the beneficiary under an insurance policy, the benefit of that policy could be denied to the widow at the instance of the creditor. There was a difference of opinion on this subject primarily between the Madras and Bombay High Courts. I believe the Calcutta High Court also had something to do with the subject, so that we had two distinct sets of legal opinions expressed by different High Courts—Bombay and Calcutta on the one side and Madras on the other, Madras trying to give the benefit of the protection of the Married Women's Property Act to insurance policies of this kind, and the two other High Courts denying that benefit.

Then, Sir, we find in the year 1921 when the first reformed Legislature met, attempts being made by prominent non-official members like Mr. Seshagiri Ayyar and Mr. Kamath to amend the law on this particular subject. Mr. Seshagiri

Aiyar's Bill was of a more ambitious character than that of Mr. Kamath. Kamath's Bill was confined to the operation of section 6 of the Married Women's Property Act in regard to the excluded communities.

Sri M. Ananthasayanam Ayyangar: Sir, on a point of information. Was my Honourable friend a Member of the Assembly then?

Mr. K. C. Neogy: I am coming to that. I do not want to attach too much importance to my membership of that Assembly, but the fact remains that I was not merely a Member of the Assembly at the time but I was also a member of the Select Committee that was appointed to go into Mr. Kamath's Bill which subsequently became the Married Women's Property (Amendment) Act of 1923. Mr. Kamath's amendment is now embodied in the Act and has already been read out by my Honourable friend Mr. Ayyangar. Incidentally, I might say that this was the first non-official legislative measure to be passed into law since the inauguration of what is now called the reformed legislature under the Act of 1919. When that Bill came up it was circulated for eliciting public opinion, and we have Sir William Vincent stating, on the motion for reference to Select Committee, that it had received almost universal support from all local Governments and the public at large, and that Government therefore did not want to oppose it. That is the position of the Married Women's Property (Amendment) Act, 1923, and in 1938 what was done was to add a sub-clause (7) to section 39 stating that the provisions of section 39 would not apply where the Married Women's Property Act applied. Now as has already been stated by my Honourable friend, this particular clause was not in the original Bill of 1927 which became the Act of 1938, but it was subsequently introduced at the instance of the Select Committee. I have before me the report of the Select Committee on this point and this is what I find there:

"We have supplied an omission in sub-clause (5) and by a new sub-clause (7) we have made a necessary provision excluding from the operation of the clause insurances of a married man for the benefit of his wife and children who are subject to the provisions of Act 3 of 1874."

And when I go through the array of names subjoined to this report, I cannot say that the members of the present Select Committee can claim any better brains than the members of that particular Select Committee. In spite of all this we find a bland statement in the Notes on Clauses supporting the particular

amendment which has now come before us with the approval of the Select Committee. This is what is stated:

"Clause 20.—It was not intended that a nomination citing section 39 of the Act in favour of a wife or child should attract the provisions of the Married Women's Property Act, 1874, and this amendment is to secure the desired position"

Sir, in all humility I should like to know, whose was this intention? It is said that "it was not intended"; not intended by whom? When we have to consider two distinct legislative measures passed after very serious consideration by two different Houses, we are entitled to a little more information on this point. The only intention that can possibly weigh with us in this context is the intention of the legislature. I should like my Honourable friend to tell us whether he has any proof to substantiate this claim that what we now find in the Act, and what is now sought to be amended, was not intended by the legislature which passed either the Act of 1923 or the Act of 1938. Sir, I have tried to study the subject as far as my opportunities went; I have gone through the debates; but I do not find any light there on this particular point. I have gone through Mr. Susil Chandra Sen's report on the laws of insurance on which the Bill of 1937 was based; I do not find any light there either. It is in a spirit of inquiry that I am raising this point. Whose is the intention that we have to take into account, and what proof have Government in support of their statement that the present position of the law was not intended,—intended obviously by the previous legislatures?

Then, Sir, it has already been pointed out by my Honourable friend Mr. Ayyangar that under the present amendment as recommended by the Select Committee there would be an alternative procedure; that is to say, it would be open to the husband either to say that in making the nomination in favour of the wife or children he wants the operation of the Married Women's Property Act to be attracted, or that he does not want it. That perhaps is what is intended; that is to say, there would be two alternative positions, under one of which even though the wife may be nominated as a beneficiary, the husband would be free to deal with the insurance policy by way of pledging it, and that the husband's creditors would be at liberty to pursue the money that may be secured under that policy of insurance; and under an alternative procedure, if the husband definitely mentions that in making this nomination he definitely wants to attract the operation of the Married Women's Property Act, then all that follows from section 6 of that Act will control the particular policy.

Mr. L. S. Vaidyanathan: That is what we want.

Mr. K. O. Neogy: Yes, I know that is what you want; but here again let me point out that this is not the first time that this point was raised. If we find the law to stand as it does, it is because after deliberate consideration of this suggestion we decided that we were not going to have any alternative procedure prescribed in this manner. Here again I have to refer to the report of the Select Committee on the Bill which subsequently became the amending Act of 1923. It is an accident that I was a member of that Select Committee; but among members of the Committee there were very eminent persons like Sir Malcolm (Now Lord) Hailey, Mr. Seshagiri Aiyar who was a very distinguished Judge of the Madras High Court and after retirement became a Member of the first Legislative Assembly, Mr. T. Rangachariar who was a very distinguished Advocate of the Madras High Court. There was no minute of dissent to that report. When you see that report you find that there were several opinions that were placed before the Select Committee, unlike the present Select Committee which obviously is so conscious of its monopoly of wisdom that it never thought of considering the opinions of others.

Mr. T. Chapman-Mortimer: Sir, I do not want to interrupt the Honourable Member's very interesting speech but on a point of order. I do not think it is quite fair that he should impute to the members of the Select Committee quite the arrogant attitude that he rather did impute, if I understood him correctly. I hope I understood him wrongly, but he rather gave the impression that we in our

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wisdom did not give any attention to this point. In fact we were very exercised about it.

Mr. K. C. Neogy: I am sorry; perhaps my Honourable friend was not in the House this morning when my Honourable friend Mr. Ayyangar was taken to task by another Honourable Member of the Select Committee for his loquacity in dealing with these questions, because the best brains of the country had already gone into the matter.

Mr. T. Chapman-Mortimer: I dissociate myself entirely from remarks of that kind. I have the highest respect for my Honourable friend's learning and his application in this matter. But all I was querying was whether it is right and proper for the Honourable Member to suggest that members of the Select Committee did not apply their brains, such as they are, and that they are not exercised in their minds on this particular point. That is what I understood him to mean, and I should like to be clear on this point.

Mr. K. C. Neogy: I never made any such point. I said that contrary to the usual practice to which we are accustomed, we do not find the Select Committee making any reference to any opinions that may have been received on the Bill. In the previous Select Committee we find that they began the report by a reference to the opinions received and they go on dealing with the various opinions.

[At this stage Mr. President vacated the Chair which was then occupied by Mr. P. J. Griffiths (one of the Panel of Chairmen)].

It may be a new procedure that has been instituted, but that is all that I stated. I did not mean any offence to any single Member of the Select Committee. The Select Committee of 1923 went into all the opinions received which were mostly, if not all, in favour of the amendment.

Now, Sir, I should like to place before this House one paragraph from the Report of that Select Committee which bears on the point in regard to which my Honourable friend, Mr. Vaidyanathan, interrupted me. This is paragraph 3:

"We next considered the opinion of the Life Offices' Association, London. . . ."

It is not merely opinions gathered from say Local Governments, but we had an opinion from the Life Offices' Association (London). Now, the amendment that has been adopted by the Select Committee is exactly the kind of suggestion that came from that body. This is how the third paragraph of the Report runs:

"We next considered the opinion of the Life Offices' London, and the representations which were put before us to the effect that a rigid application of section 6 to all classes of policies which are expressed to be for the benefit of the wife or of the wife and children would in many cases cause inconvenience, hardship and misunderstanding."

That is all that we are now being told in support of the amendment embodied in the Select Committee's Report. Continues the Select Committee:

"We were told that this form of insurance is unpopular in other countries, and a suggestion was made that it might be possible to allow policies of this nature to be taken up independently of the provisions of section 6 by providing that that section should not apply unless it was expressly stipulated in the policy that the Married Women's Property Act, 1874, as amended, should apply to it."

This, in substance, is exactly what the Select Committee proposes to do. Now comes the observation of the Select Committee itself:

"We think, however, that there is no reason for inserting any special provision of this kind, and that, in fact, Insurance Companies are as a rule unwilling to issue policies of this nature, any disadvantages which may attach to them will, as a matter of course, be explained to the person intending to insure."

It is not as if this is a new point and that this is a new light that has been thrown upon the subject at the present moment. And that is why I ask, whose is the intention that the Government and the Select Committee are thinking of carrying out in supersession of the present legal position? Is it the intention of the Life Offices' Association, London, which was duly considered and rejected in 1923? Now, that is the point on which I should like to have a direct answer. I should not be taken to mean that I am against any form of change whatsoever

and that whatever laws have been passed by previous legislatures should stand without amendment, but then let us consider the question on merits. Why seek to mislead the House by saying this was not intended, and this is what is the proper position? Who says that this is the proper position, and whose was the intention contrary to what we find the present law to be? Sir, this is all that I have to suggest to my Honourable friend that he should go into this matter more carefully and, if necessary, take this point back to the Select Committee and let us have a more informed report setting forth in detail as to how he came to the conclusion that the present law does not carry out the intention of the Legislature and that the present law is contrary to what the position should be. I am prepared to admit that in practical administration defects may have been found to exist, and that this form of insurance, where the provisions of section 6 of the Married Women's Property Act apply very rigidly, has been found to be unpopular. I am quite prepared to take into account such facts as may be available on these points, but I am not prepared to accept the statement that it was not intended by somebody that the law should be like this, and that the proper position is what the Select Committee has put it, or rather the Government, because it is virtually the same thing, subject to some small amendments, as we find in the original Bill.

Sir, I have great pleasure in supporting the motion of Mr. Ayyangar, because in the absence of any definite statement which is satisfactory

Sri M. Ananthasayanam Ayyangar: Both of us are opposing the motion.

Mr. K. O. Neogy: . . . I want the present position to be reverted to, pending a fuller consideration of this particular point.

Mr. Leslie Gwilt (Bombay: European): Sir, like my Honourable friend, Mr. Neogy, I rise with a considerable amount of trepidation, but my trepidation is based on other premises for I am very much of a layman. I do not think that he showed a great deal of trepidation, Sir, but he showed a much knowledge of a very obscure or, at any rate, a complicated subject.

I have quite a considerable amount of sympathy for what my Honourable friend, Mr. Ayyangar, had to say but Sir, if I understand the position correctly, a nomination may be made in three ways: either under section 38 of this act, or under section 6 of the Women's Property Act, or under section 39 which is the section we are discussing at the present moment. It seems to me that the option is left to the assured to nominate his policy in any manner he chooses under any of those three sections. The choice is left to him, and left to him quite rightly. But, Sir, where I feel that a provision should be made to protect the assured is either on the face of the policy or in the Insurance Rules. It is perfectly obvious, Sir, that there has been, as is evidenced by the number of cases of litigation there have been, considerable confusion in the matter of nominations and I think that this is one section under which the assured requires protection and I would ask, Sir, that an assurance should be given to the House that either in the Rules there is a provision that an explanation of the liabilities under this section should be explained to the assured, or, alternatively, that a form approved of by Government should be sent to an assured when he informs the Insurance Company that he proposes to nominate his policy. I believe, Sir, that some of the Insurance Companies have a form letter which they send to any assured who says that he is going to nominate his policy, but some of the bigger companies do not do that and I think that perhaps the point that has been made both by my Honourable friends, Messrs Ayyangar and Neogy, may be met if that proposal were accepted.

Sri M. Ananthasayanam Ayyangar: Deletion of this clause?

Mr. Leslie Gwilt: I would not support that. I would like to hear the Honourable Member in charge of the Bill.

Mr. L. S. Vaidyanathan: I am afraid there has been considerable misunderstanding about the whole matter. Only if my Honourable friend, Mr. Ayyangar, for whom I have very great regard—particularly as at the passage

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of the 1938 Act I had to go to him very often and put forward to him the point of view of Insurance Companies, and he very patiently heard all my arguments and in most cases acted upon my advice—only if he had the same patience now and if he had allowed me to complete my sentences, I would have convinced him and instead of his requesting us to be converted to his view, he might have already been converted to our view, and all this might have been spared. . . .

Sri M. Ananthasayanam Ayyangar: I tried my best.

Mr. L. S. Vaidyanathan: You never heard my arguments; that is my grouse even now.

Sir, my Honourable friend, Mr. Neogy, has raised the point that opinions should have been called for in respect of the Insurance Bill. We have had two meetings of the Advisory Committee and we also consulted Insurance companies in all the tours we have had. The first time I had knowledge of any objection to this was only when the other day my friend, Mr. Ayyangar said he was going to oppose this. Before that there was no objection to this clause going through in the form it is before the House.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): What about the public?

Sri M. Ananthasayanam Ayyangar: That was the first time I came to know and as soon as I came to know I protested.

Mr. L. S. Vaidyanathan: That was the only protest.

Sri M. Ananthasayanam Ayyangar: You shut it out.

Mr. L. S. Vaidyanathan: I did not shut it out. We should have had a frank discussion about it.

Sri M. Ananthasayanam Ayyangar: Did you elicit public opinion?

Mr. Chairman: Let the Honourable Member proceed.

Mr. L. S. Vaidyanathan: It will be interesting to go back to the 1938 Act. Although I was not then a Member of this House, I was watching the proceedings from a higher plane than this.

Sri M. Ananthasayanam Ayyangar: My Honourable friend was right when he was with me. He is now on the other side. Therefore he is wrong!

Mr. Chairman: If the Honourable Member will direct his attention to the Bill, it will be more to the point.

Mr. L. S. Vaidyanathan: The whole idea arose elsewhere. There was a lot of outstanding claims on the books of life insurance companies and the framers of the 1938 Act wanted to do all in their power to enable companies to settle claims as expeditiously and as early as possible. With that end in view they first and foremost removed the desirability from which Muslim policy-holders suffered in respect of conditional assignments, as you will find in Section 88, sub-section 7. The opinion then held was to the effect that if a Muslim made a conditional assignment the condition was invalid and the assignment was absolute. That militated substantially against Muslim policyholders effecting conditional assignments and therefore sub-section 7 of 1938 reads:

"Notwithstanding any law or custom having the force of law to the contrary, an assignment in favour of a person made with the condition that it shall be inoperative or that the interest shall pass to some other person on the happening of a specified event during the lifetime of the person whose life is insured, and an assignment in favour of the survivor or survivors of a number of persons, shall be valid."

After having done this, they felt they had not gone far enough to popularise assignments and thereby enable insurance companies to settle claims quickly. Before this Mr. Sushil Sen's amending Bill was circulated for opinion and the opinion on the nomination clause appearing therein was as follows:

"Opinions were invited by the Government on the provisions of the Bill and the replies received will show that a very large section of the public welcomed the idea of the right of nomination being given to policyholders."

The right of nomination was to extend to all. The right of nomination was not supposed to extend only in those cases where the wife and children were not the nominees.

Sri M. Ananthasayanam Ayyangar: On a point of order. Is it open to my Honourable friend to read any extracts from any unauthorised report or any opinions which were not circulated to us or to the Members of the Select Committee?

Mr. T. Chapman-Mortimer: This was circulated to Honourable Members.

Mr. L. S. Vaidyanathan: It is a Government of India publication.

Mr. Chairman: Is it available to the Members in this House?

Mr. T. Chapman-Mortimer: It was produced in 1936 and made available to the House.

Mr. K. O. Neogy: It is marked confidential but is in the Library.

Mr. Chairman: If it can be found in the Library, it can be quoted.

Mr. T. Chapman-Mortimer: In the first instance it was a confidential report of the Law Member. Thereafter it was made available to Members who were elected by the House to sit on the Select Committee and it was handed out to us with other papers, and subsequent to that—to the best of my recollection—it was put in the Library of the House and made available to all Members, and the mere fact that "Confidential" is on the document is neither here nor there.

Mr. Chairman: The position is I think, quite clear. Since the document is in the Library of the House, it is quite in order to be quoted from.

Mr. L. S. Vaidyanathan: What I have read is in page 58. They can take note of that. They wanted to give the benefit of nominations. The main elasticity provided by a nomination is that a subsequent assignment cancelled a previous nomination and a nomination could be revoked. All that was necessary because Indian lives assured required all that elasticity. So then we have these the three ways by which the policy monies could on a claim arising be paid over to the wife and children of the person whose life was assured. One is the Married Woman's Property Act, the other is assignment and the third is nomination. The rigidity of the first is that it creates a trust. Then it cannot be touched by creditors, and as it creates an absolute trust it does give great security in so far as the estate of the life of the assured is concerned. It is also extremely rigid and one instance of rigidity is that no loan can be raised in the security of the policy. The rigidity of it appears to have weighed with the lives proposing for assurance more than the benefits that accrue for them. I can without contradiction state that not one in five hundred policies are taken under the Married Woman's Property Act. The Select Committee,—and this I say in answer to what my Honourable friend Mr. Neogy just said about sub-section 7 for I know something about it, having put in all the six sub-sections in section 39 about nominations should have wondered whether they had not gone too far they should have asked themselves the question whether the nomination provision would knock out the very desirable provisions of the Married Woman's Property Act. Their answer was "No". The Married Woman's Property Act, section 6, is a sacred thing and it should be left alone and any nomination provision they incorporated should not knock that out? Section 6 of the Married Women's Property Act and with that idea they put in sub-section 7 which reads:

"The provision of this section shall not apply to any policy of life insurance to which Section 6 of the Married Woman's Property Act 1874 applies."

That sub-section only secured that if the policy was taken out under the provisions of the Married Woman's Property Act, this section shall not knock out its being subject to N. W. P. Act. It shall always secure the protection that the Married Woman's Property Act gives. A lot of time was taken up and rightly in reading out the benefits conferred by the Married Woman's Property Act and my Honourable friend, Mr. Ayyangar, quoted from eminent

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Judges for whom we have great respect and with all of whom we are in complete agreement: and to carry his own argument to a logical conclusion, if he comes up with a proposal that every one who effects a policy and who has a wife or children shall effect it under the Married Woman's Property Act, I shall support it. But we are not doing that.

Mr. K. C. Neogy: Then that is your intention? That was not the intention of the Legislature.

Sri M. Ananthasayanam Ayyangar: On a point of order. It is not necessary under the law. Am I to understand from my Honourable friend that under the law it is necessary for the policyholder to show, before a trust is created, that he is doing it under the Married Woman's Property Act? He need not refer to that at all. If he takes a policy and nominates his wife, the Married Woman's Property Act attaches itself to the policy automatically.

Mr. L. S. Vaidyanathan: It does not in all cases. Let me explain. After a policy is effected if the person whose life is assured writes to the company saying that he wants to nominate his wife or children to be the nominees of the policy under Section 39 of the Insurance Act, the Married Women's Property Act does not at all attract it.

Sri M. Ananthasayanam Ayyangar: Who says so?

Mr. L. S. Vaidyanathan: I say so. I have got legal backing for that. If the Honourable Member reads Section 39 he will understand what I say. The Section says:

"The holder of a policy of life insurance (*on his own life*) may, when effecting the policy or at any time before the policy matures for payment, nominate the person or persons to whom the money secured by the policy shall be paid in the event of his death."

I am sorry I have not got the Married Women's Property Act before me. It says "at the time of effecting only". "A policy of insurance effected by a married man on his own life and expressed on the face of it"—I would ask my Honourable friends to mark the words 'on the face of it'—"to be for the benefit of his wife and children". Anything that is written on the face of a policy can be written only at the time of issue.

Sri S. T. Adityan (Madura and Rammadam cum Tinnevely: Non-Muhammadian Rural): Endorsements also can be written on the face.

Mr. Chairman: It is an extremely technical matter and I would suggest that there be no interruption.

Sri M. Ananthasayanam Ayyangar: Only to clear doubts, Sir.

Mr. L. S. Vaidyanathan: If at the time of securing the proposal, the proposer says "I want my wife XYZ and my children P, Q and R to be the nominees under Section 39", since the policy preamble says "whatever is stated in the proposal and in the statements made before the examining doctor shall form the basis of the contract", it has been held in some legal quarters that those names mentioned as nominees in the proposal form are as good as being incorporated on the face of the policy: therefore the Married Women's Property Act is attracted. In other cases it is not. So that even now if a life assured desired to have all the elasticity of Section 39 without attracting the provisions of the Married Women's Property Act, he has only to keep quiet till the policy is issued and thereafter write to the company saying that he wanted the policy to be endorsed in favour of so and so as the nominee under Section 39 of the Insurance Act of 1939, that will be quite all right. But human nature being what it is, unless the nomination is made at the time the proposal is secured by the agent, the agent gets indifferent and the life assured is generally indifferent, with the result that several policyholders do not take the advantage of the nomination provision and it becomes very difficult for claims being paid as early as possible. When this state of things takes place it is no use blaming the companies, that they are not prompt in settling claims.

Leaving out assignments for the time being, there are two ways by which we can achieve the object which we desire and I am quite sure my Honourable friends on the other side also desire it. This object is to see to it that as soon as a death occurred the claim is settled as expeditiously and without any trouble and that the money is forthcoming at the time of the dire need of the bereaved widow and the children. One way is the nomination way. The other way is a rigid Married Women's Property Act way. What is suspected is that if in the proposal form itself the wife or the children are named, it is feared that the Married Women's Property Act is attracted and since most of the lives assured do not want this, it will militate against nominations being made at the time the proposal is taken and unless nominations are made at that time, very likely in 80 per cent of the cases no nomination will be made at all. That is why we want to make it easy for nominations being made and it is not at all intended that we should knock out the provisions of the Married Women's Property Act. As a matter of fact the position is this. By sub-section 7 of Section 39 to which my Honourable friend Mr. Neogy drew attention, we secure that that section shall not apply to any policy of life insurance, to which Section 6 of the Married Women's Property Act, 1874, applies. By that the framers of the 1938 Act secured that Section 39 regarding nomination shall not knock off the Married Women's Property Act.

Now the boot goes to the other leg. It is feared now that in some cases the Married Women's Property Act will knock out the elasticity of Section 39 and thus prevent nominations being made. We want to put these two into absolutely mutually exclusive watertight compartments, so that lives assured can choose either this or that. When they choose this, they will have the elasticity of Section 39 and if they choose that they will have all the privileges and the rigidity of the Married Women's Property Act. That is the only position we want to take and there has been a lot of misunderstanding about it. If one takes up the nomination way, it will be possible for life insurance companies to wait at the death bed of the life assured with the bag of gold and relieve the distress at the time of the sore need of the widow and children.

Sir, that is all I have to say.

Mr. T. Chapman-Mortimer: Sir, after hearing the very lucid and able speeches which have gone before and, in particular, the speech of my Honourable friend, Mr. Neogy, and the speech of my Honourable friend, the Superintendent of Insurance, I hesitate at this stage to say very much more. But as I have been somewhat involved in this matter, both at an earlier stage and in this late Select Committee, I should like to say one or two words about this most important clause.

Sir, when I read this clause originally, my immediate reaction was somewhat similar to that of my Honourable friend, Mr. Ayyangar. I felt that here was something that was likely to abrogate, if not render null and void, Section 6 of the Married Women's Property Act. Being somewhat anxious in the matter and having great sympathy with my Honourable friend's point of view, I took a great deal of trouble to examine what the legal position was and after very careful examination of it, I am fully satisfied that no such apprehension need be feared. And after hearing the speech of the Honourable the Superintendent of Insurance, I am even more satisfied in my mind than I was before. As he very clearly put it, we are seeking to put these two different matters into watertight compartments and I would therefore urge members to look at Section 39 (those of them who have the Act before them) Sub-Section 7. There they will see that the provisions of this Section shall not apply to any policy of life insurance to which Section 6 of the Married Women's Property Act, 1874, applies. And then I would ask them to look at the Bill. The amendment suggested to sub-section (7) of Section 39 is to add the words "or has at any time applied". Thus the scope of sub-section 7

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is extended straightaway. Then in order to close all doubts a proviso is sought to be added, which reads:

"Provided that where a nomination made whether before or after the commencement of the Insurance (Amendment) Act, 1946, in favour of the wife of the person who has insured his life or of his wife and children or any of them is expressed, whether or not on the face of the policy, as being made under this section."

And I would ask the attention of the House, in particular of my Honourable friend, Mr. Ayyangar, to these last words.

To my mind they absolutely secure the position. It is made absolutely clear that this is a water-tight compartment and that any nomination made under this section will not attract the Married Women's Property Act, and conversely any nomination made in terms that will bring it within the mischief of the Married Women's Property Act, section 6, will in turn be treated separately and will be absolutely secured. . . .

Sri M. Ananthasayanam Ayyangar: I do not want to allow this option. There is no option now. If a man nominates his wife, she automatically gets it and it is no longer open to the husband to say "I do not want to give it to my wife now".

Mr. T. Chapman-Mortimer: If I may say so, my Honourable friend is wrong in his law, with due respect. Not knowing as much law as he may have. . . .

Sri M. Ananthasayanam Ayyangar: I am wrong according to one non-lawyer and according to another budding lawyer!

Mr. T. Chapman-Mortimer: Possibly; but in this particular case you are wrong if I may say so; and you are wrong if you will look at the words. The provisions of section 39 are in the first place permissive, and in the second place it is made quite clear from sub-section (7) that they are not to interfere in any way with the provisions of the Married Women's Property Act, section 6. Actually, as the Superintendent of Insurance pointed out, most people who are making provision for their wives and families in the manner to which section 6 of the Married Women's Property Act relates, do it and are bound to do it in a much more strict way than is provided for in this case; and it is because of that very strict provision which exists in respect of the Married Women's Property Act that the wording of section 38 is somewhat different from the wording of section 39. If Honourable Members will turn to section 38, they will find there that assignments or transfers under that section have to be attested by a witness, whereas a nomination under section 39 is not to be so attested by a witness. The reason for that is quite simple, and my recollection is that it was always clear to the mind of those members of the Select Committee of 1937. In 1937 what we sought to do was this: we sought to make a provision which would be simple and would apply to thousands of cases, where there was no thought of attracting the provisions of the Married Women's Property Act. - What we were trying to do was to provide for the case of the small policyholder whose family were not well off and who were likely to be dependent solely on any proceeds of the life policy. In such a case there was no need to insist that a provision which was to secure the benefits to the wife and children, namely, nomination, should at once attract the very strict trustification proposals which are set out in the Married Women's Property Act, section 6. What they wanted to do was to make it relatively simple—I emphasise the word 'relatively'—for the heir or heirs of the policy-holder to secure the benefit accruing to them under the policy. For that reason the Select Committee agreed to these seven sub-sections of section 39, and thereafter the House endorsed that and the intention was perfectly clear.

In that connection I should like to say a word about the wording of Government's original Bill and the notes on clauses. I think, if I may say so, their wording was to say the least of it, unhappy. Quite rightly they said that no one wanted to attract the provisions of the Married Women's Property Act; but the wording used might have been happier. . . .

Sri M. Ananthasayanam Ayyangar: It is retrospective also.

Mr. T. Chapman-Mortimer: It is to be retrospective also, and has to be retrospective. If it were not retrospective, the utmost chaos would arise.

I do not think I need say more, except to say that we in this Group intend to support Government in this matter, because though we are sympathetic towards the point of view expressed by Honourable Members opposite, we are satisfied that, on examination, the doubts and hesitation which was in our minds in the beginning have been satisfactorily dispelled by the very clear statement, if I may say so, made by the Superintendent of Insurance.

Sjt. N. V. Gadgil: Sir, there has been a good deal of attack over this clause. The reason first advanced in introducing this amendment was to bring out more clearly the original intention as contemplated when the last legislation took place. When that argument was found untenable—and that has been conceded by the last speaker—the real intention has become obvious; does this amendment mean a departure from the present position of the law? It does. I respectfully submit that the proviso does contemplate a departure. It reads:

"Provided that where a nomination made whether before or after the commencement of the Insurance (Amendment) Act, 1946, in favour of the wife of the person who has insured his life or of his wife and children or any of them is expressed, whether or not on the face of the policy, as being made under this section, the said section 6 shall be deemed not to apply or not to have applied to the policy."

From the speech of my friend, Mr. Vaidyanathan, I gather that he contemplates two types of policy—one under section 39 of the Act, and one governed by section 6 of the Married Women's Property Act. But that is not the position. If, under section 39, a man nominates his wife, what is there to show that it is a nomination under section 39 and not a nomination under section 6 of the Married Women's Property Act, except if we accept his very narrow interpretation about the words in section 6 of the Married Women's Property Act, which reads as follows:

"A policy of insurance effected by any married man on his own life and expressed on the face of it to be for the benefit of his wife."

Now, these words "expressed on the face of it" mean nothing more than expressly expressed. If a man writes the name of his wife, it does mean expressly expressed. There is no necessity to put any other wording or any other phrase to bring it in the purview of the said section.

Now, there has been a good deal of difference of opinion. There have been different views about the exact interpretation of this. Justice Das sums up the position as follows:

"Reviewing all these authorities, one is forced to come to the conclusion that in a case where the wife and children or any of them are nominees, although there may not be any express words, save that the policy is for their benefit, a trust is created."

If you accept this proviso in the Bill it means that what the position is today is departed from. That is so. I differ from my friend, Mr. Vaidyanathan. If that is so

Mr. L. S. Vaidyanathan: I would say in reply: what is there to show that it is under this section? I would like my Honourable friend to underline the words "is being made under this section". He has to say there "under section 39 of the Insurance Act, 1938, I nominate so and so to be the beneficiaries of the policy."

Sri M. Ananthasayanam Ayyangar: It is in your Bill, not in the Act.

Sjt. N. V. Gadgil: That only concedes my argument that you are departing from the present position. Today in section 39 there is nothing to justify the interpretation you put. You only put that interpretation on the assumption that the amendment is passed. If under the present Act I simply nominate my wife, immediately that thing operates as a trust. But you now give the option to the man by your new amendment to say that you want your policy to be governed, not by the provisions of the Married Women's Property Act, but by this particular legislation, namely, Act of 1946. That is a departure. I think in the interests of married women this ought not to be allowed. Why sub-section (7) of section 39 was added has been amply made clear: it was only for the purpose of securing the character of the policy as a trust that this sub-section was added then; and now what you are trying to do is to take away this character of trust and let the husband do away with that sacred character and do away with the policy or deal with it in any way he likes. That was not the intention. That is not the intention; and if you put it on a different ground, say so. If you want to introduce a new thing, you must say it straight.

Mr. Abdur Rahman Siddiqi: Mr. Chairman: I think I shall have to recast all my notions of relevancy and responsibility after the manner in which Honourable Members to my right have run off at more tangents than one. Talking of the principles of insurance and running away from the actual amendment proposed has perhaps become an obsession with my Honourable colleague of the Select Committee who has spoken in the same way on the same points for more than once. Before I go further I should like to remove an impression which perhaps my defective language may have created about the best brains of the Select Committee. It was not the Select Committee of which I was a member but I was referring to the Select Committee that had passed almost all these amendments. That committee, as the Honourable the Commerce Member told us on the first day consisted of men of the calibre of Mr. Bhulabhai Desai, Mr. Nirmal Chunder and many other men of eminence. They had agreed to most of these points and after that the Indian Insurance Association, many Chambers of Commerce and other public men and organizations had expressed their views favourably on the provisions as sanctioned by that Select Committee of the best brains of India of which I was not a member. I hope my explanation will be accepted by the Honourable Member who took exception to my remark.

Sir, to get up and talk of who said this and why it was said and so on and so forth restricts our imagination as well as our attempt to understand things. The Legislature should after all reflect the progress of public opinion in the country else it will not be called progressive. My own feeling is that whether it was 1874, 1923 or 1938, since then our Indian public has begun to understand insurance as well as assurance and therefore Honourable Members should realise that the man assured does not want his freedom to assign or to nominate to be interfered with by any rules or laws of a cramping type. Here is a clear choice given to him. He can do this or he can do that. I do not understand why if I have five policies I should not nominate under the Married Women's Property Act any one of the policies and the remaining four too I should like to give to my wife and children but circumstances may arise, where I should have the liberty to deal with those other policies as I like. I may also point out to Honourable Members who consider men connected with the insurance companies as regular *badmashes* and apaches that there is a possibility of the assured party taking advantage of the Married Women's Property Act to cheat his creditors. They have not thought of that possibility. (Interruption). I should not like to be disturbed, Mr. Chairman. They can have their say when they rise to their feet. I have noticed the tendency, Mr. Chairman, that when you use a telling argument gentlemen of the mentality of Honourable Members to my right go on creating disturbances and indulging in a running commentary particularly when somebody is speaking not quite to their choice. To have got up and said that insurance company shareholders want to run away with the money of the assured person is to have talked *balda-dash*, is to have talked about a matter

they knew nothing whatsoever about. Insurance Companies, Mr. Chairman, get their commissions and incomes by fair and honourable means. To mention only one company which on a capital of Rs. 74,000 gets a crore of rupees in premia through sheer brilliance, and expert knowledge is something of which every Indian should be proud. I was rather surprised that opinions of the London Life Office were inflicted on us as if they were what my friends to my right would call *akashvani*, as if God Almighty had said those things. There are persons in this country who know about life assurance and can express opinions as authoritatively and as well as any person in London. I know we have not reached the stage where any Indian Assurance Company has even reached its first 100 years not even the Oriental, in the field of insurance and yet I claim that it will be difficult even for London to find an actuary of the calibre of the present Superintendent of Insurance in India. Yet, friends have got up in this House and said things which, if I may put it very mildly, should not have been uttered by people who call themselves Indians.

Sri M. Ananthasayanam Ayyangar: What do you mean?

Mr. Chairman: Will the Honourable Member take some time longer to finish his speech?

Mr. Abdur Rahman Siddiqi: I would like to speak on the next day, Sir.

Mr. Chairman: The House will now adjourn.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 20th February, 1946.

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