

14th 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



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, INDIA
PRINTED BY THE MANAGER GOVERNMENT OF INDIA PRESS, NEW DELHI, INDIA
1947

▼
LEGISLATIVE ASSEMBLY

President :

THE HONOURABLE MR. G. V. MAVALANKAR.

Deputy President :

SIR MUHAMMAD YAMIN KHAN, M.L.A.

Panel of Chairmen :

MR. K. C. NEOGY, M.L.A.

SYED GHULAM BHIK NAIRANG, M.L.A.

MR. P. J. GRIFFITHS, M.L.A.

Secretary :

MR. M. N. KAUL, BARRISTER-AT-LAW.

Assistants of the Secretary :

MR. M. V. H. COLLINS, M.B.E.

MR. A. J. M. ATRINSON.

MR. S. DAS.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

SIR MUHAMMAD YAMIN KHAN, M.L.A. (*Chairman*).

SYED GHULAM BHIK NAIRANG, M.L.A.

SHRI SRI PRAKASA, M.L.A.

MR. T. CHAPMAN-MORTIMER, M.L.A.

SARDAR MANGAL SINGH, M.L.A.

vi
CONTENTS

Volume II—12th February to 27th February 1946

| | |
|---|-------------------|
| Tuesday, 12th February, 1946, | |
| Starred Questions and Answers | 818—49 |
| Unstarred Questions and Answers | 849 |
| Short Notice Questions and Answers | 849—55 |
| Motions for Adjournment re— | |
| Government Statement on Polytechnic Institute Students' strike—Withdrawn | 855—56 |
| Failure of the Government of India to instruct delegate to U.N.O. to convey to the Security Council strong views of the Assembly regarding Anglo-Dutch operations against Indonesia—Adopted | 856—58, 873—88 |
| Papers laid on the Table re Notifications under Central Excises and Salt Act | 858—72 |
| Hindu Marriage Disabilities Removal Bill—Introduced | 872 |
| Hindu Married Women's Right to Separate Residence and Maintenance Bill—Introduced | 872 |
| The Special Marriage (Amendment) Bill—Introduced | 873 |
| Delhi Sikh Gurdwaras and Religious Endowments Bill—Introduced | 873 |
| Committee on Petitions | 873 |
| Wednesday, 13th February, 1946,— | |
| Member Sworn | 889 |
| Starred Questions and Answers | 889—914 |
| Unstarred Question and Answer | 914—19 |
| Motions for Adjournment re— | |
| Cloth Famine in North West Frontier Province—Disallowed | 921—22 |
| Disbandment of W.A.C.(I)—Disallowed | 922—23 |
| Racial discrimination in the W.A.C.(I)—Disallowed | 923—24 |
| Indiscriminate Arrest of Muslim League Workers and other Demonstrators and wanton use of Handcuffs and chains by Delhi Police—Adopted | 924—25, 957—71 |
| Amendment of the Indian Aircraft Rules—Election of Members to the Court of Delhi University | 925—34 985 |
| Election of Members to the Standing Committee for the Education Department | 935—37 |
| Pharmacy Bill—Circulated | 937—39 |
| Miscellaneous Committee Bill—Referred to Select Committee | 939—51 |
| Code of Criminal Procedure (Amendment) Bill—Passed | 951—55 |
| Insurance (Amendment) Bill—Presentation of Report of Select Committee | 955 |
| Code of Criminal Procedure (Second Amendment) Bill—Passed as amended | 955—56 |
| Thursday, 14th February, 1946, — | |
| Starred Questions and Answers | 973—1005 |
| Short Notice Question and Answer | 1006 |
| Declaration Directing certain Budget Heads of Expenditure open to Discussion by the Legislative Assembly | 1006 |
| Appointment of the Honourable Sir Edward Benthall to perform functions of the Finance Member at Railway Budget General Discussion | 1007 |
| Election of Members to Standing Committee for Commerce Deptt. | 1007 |
| Election of Members to Standing Committee for Industries and Supplies Department | 1007 |
| Election of Members to All-India Council for Technical Education | 1008—09 |
| Factories (Amendment) Bill—Introduced | 1010 |
| Transfer of Property and Succession (Amendment) Bill—Referred to Select Committee | 1010—19 |
| Professions Tax Limitation (Amendment) Bill—Passed | 1019—20 |
| Provident Funds (Amendment) Bill—Referred to Select Committee | 1020—23 |

| | |
|---|-----------|
| Committee re Rail-Road Co-ordination Scheme—Presentation of the Report of the Committee—Postponed till 18th February 1946 | 1022 |
| Statement of Business | 1023—25 |
| Monday, 18th February, 1946,— | |
| Members Sworn | 1027 |
| Starred Questions and Answers | 1027—65 |
| Unstarred Questions and Answers | 1036 |
| Statements laid on the Table | 1035—68 |
| Motions for Adjournment re— | |
| Failure to Repatriate Indian Prisoners undergoing Trial in Malaya—Ruled out of Order | 1068—69 |
| Burning of Places of Worship and Insulting of Women during recent Calcutta Disturbances—Disallowed | 1069—70 |
| Election of Members to Imperial Council of Agricultural Research and its Governing Body | 1070 |
| Election of Members to Standing Committee for Information and Broadcasting Department | 1070 |
| Road-Rail Co-ordination Scheme—Presentation of the Report of the Committee | 1070—72 |
| Presentation of the Railway Budget for 1946-47 | 1072—80 |
| Indian Coinage (Amendment) Bill—Introduced | 1081 |
| Election of Members to Standing Committee for External Affairs Department | 1081—83 |
| Statement of Business | 1083 |
| Tuesday, 19th February, 1946,— | |
| Starred Questions and Answers | 1085—1126 |
| Unstarred Questions and Answers | 1126—30 |
| Curtailment of Oral Answers to Absentee Members' Questions | 1130—32 |
| Report of the Committee on Bretton Woods Agreement | 1132—34 |
| Motion for Adjournment re Refusal to increase Price of Foodgrains offered to Agriculturists—Ruled out of Order | 1134—36 |
| Election of Members to Standing Committee for Health Department | 1137 |
| Election of Members to Indian Central Tobacco Committee | 1137 |
| Election of Members to Standing Committee for Home Department | 1137 |
| Election of Members to Standing Committee on Pilgrimage to Mejas | 1137 |
| The Insurance (Amendment) Bill—Discussion on Motion to consider not concluded | 1137—69 |
| Wednesday, 20th February, 1946,— | |
| Starred Questions and Answers | 1171—1214 |
| Unstarred Questions and Answer | 1214 |
| Motion for Adjournment re Rioting in Bombay by Naval Ratings—Postponed | 1215—16 |
| Election of Members to Court of Delhi University | 1216 |
| Election of Members to Standing Committee for Education Department | 1216 |
| Instrument for the Amendment of the Constitution of the International Labour Organisation | 1216—21 |
| The Railway Budget—General Discussion | 1222—58 |
| Thursday, 21st February, 1946,— | |
| Starred Questions and Answers | 1259—38 |
| Unstarred Questions and Answers | 1288 |
| Report of the Committee on Bretton-Woods Agreement | 1289—92 |
| Merchant Seamen (Litigation) Bill—Introduced | 1292 |
| Indian Trade Unions (Amendment) Bill—Introduced | 1292 |
| Insurance (Amendment) Bill—Discussion on the motion to consider not concluded | 1292—1300 |
| Election of Members to Defence Consultative Committee | 1300—03 |
| Factories (Amendment) Bill—Referred to Select Committee | 1304—18 |
| Friday, 22nd February, 1946,— | |
| Dispensing with Question Hour | 1319 |
| Starred Questions and Answers | 1319—40 |
| Unstarred Question and Answer | 1340—42 |

| | | | |
|--|---------------------|---|----------------------|
| Short Notice Questions and Answers | 1348—52 | Extensions to Superannuated Staff | 1561—68 |
| Motion for Adjournment <i>re</i> Situation <i>re</i> Strike at Bombay and Karachi by R.I.N. Ratings—Postponed | 1352—56 | Non-Observance of Muslim Quota in Railway Services | 1563—73 |
| The Railway Budget—List of Demands | 1356—80 | Appendix | 1573 |
| Demand No. 1.—Railway Board | 1356—80 | Wednesday, 27th February, 1946,— | |
| Enquiry into present system of management of Railways | 1357—74 | Starred Questions and Answers | 1573—95 |
| Attitude of Railway Board on Staff matters especially those relating to wages, allowances, working hours, leave arrangements and securities of staff | 1374—80 | Unstarred Questions and Answers | 1595—99 |
| Situation <i>re</i> Strike at Bombay and Karachi by R.I.N. Ratings | 1389—95 | Short Notice Question and Answer | 1599—1601 |
| Saturday, 23 February, 1946,— | | Election of Additional Members to the Defence Consultative Committee | 1623 |
| Situation <i>re</i> Strike at Bombay and Karachi by R. I. N Ratings. | 1397—1405 | Railway Budget—List of Demands— <i>Contd.</i> | 1601—23, 1622—49 |
| Motion for Adjournment <i>re</i> Situation <i>re</i> Strike at Bombay and Karachi by R. I. N. Ratings—Adopted | 1405—25 | Demand No. 1.—Railway Board— <i>Contd.</i> | 1601—1623 1622—47 |
| Monday, 25th February, 1946,— | | Pilferage and Delays in settling Claims | 1601—18 |
| Member Sworn | 1427—1472 | Ways and Means for meeting the increased Operating Costs | 1618—23, 1622—37 |
| Starred Questions and Answers | 1427—48 | Inadequate Representation of Sikhs in Railway Services | 1637—41 |
| Indian Oilseeds Committee Bill—Presentation of the Report of the Select Committee | 1448 | Need for granting a minimum wage of Rs. 60 per mensem to Railway employees in the lower cadre | 1641—47 |
| The Railway Budget—List of Demands— <i>Contd.</i> | 1448—95 | Demand No. 2.—Audit | 1647 |
| Demand No.1—Railway Board— <i>Contd.</i> Financial Position and Policy of Railways | 1448—90 1448—95 | Demand No. 3—Miscellaneous Expenditure | 1647 |
| Manufacture of Locomotives and Wagons | 1466—78 | Demand No. 5—Payments to Indian States and Companies | 1647 |
| Inconvenience to Passengers | 1479—90 | Demand No. 6.—A—Working expenses— | 1647 |
| Demand No. 11.—New Construction | 1490—95 | Maintenance of structural works | |
| Want of Policy in New Construction | 1490—95 | Demand No. 6—B—Working expenses—Maintenance and supply of Locomotive Power | 1647 |
| Tuesday, 26th February, 1946,— | | Demand No. 6—C—Working expenses—Maintenance of carriage and Wagon stock | 1646 |
| Starred Questions and Answers | 1497—1526 | Demand No. 6—D—Working expenses—Maintenance and working of ferry steamers and harbours | 1648 |
| Election of Members to Defence Consultative Committee | 1526—28, 1549—50 | Demand No. 6—E—Working expenses—Expenses of Traffic Department | 1648 |
| Bretton Woods Conference Agreement—Presentation of the Interim Report of the Committee | 1528—29 | Demand No. 6—F—Working expenses—Expenses of General Departments | 1648 |
| Railway Budget—List of Demands— <i>Contd.</i> | 1529—49, 1550—72 | Demand No. 6—G—Working expenses—Miscellaneous expenses | 1648 |
| Demand No. 12—Open Line Works | 1529—49, 1550—72 | Demand No. 6—H—Working expenses—Expenses of Electrical Department | 1648 |
| Refusal of Supplies for investment in Road Services | 1529—49, 1550—53 | Demand No. 7—Working expenses—Appropriation to Depreciation Fund | 1648 |
| Policy of Government <i>re</i> Cash and Pay Departments on Contractual basis on B. B. and C. I. and N. W. Railways | 1558—55 | Demand No. 8—Interest charges | 1649 |
| Reduction in Muslim Representation due to Retrenchment | 1555—60 | Demand No. 9—Appropriation to Betterment Fund | 1649 |
| | | Demand No. 10—Appropriation to Reserve | 1649 |
| | | Demand No. 10—A—Withdrawal from Reserve | 1649 |
| | | Demand No. 11—New Construction | 1649 |
| | | Demand No. 12—Open Line Works | 1649 |

LEGISLATIVE ASSEMBLY
Thursday, 14th 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

INDIA'S REPRESENTATIVES ON THE WORLD FOOD ORGANIZATION.

257. *Prof. N. G. Ranga: Will the Agriculture Secretary be pleased to state:

(a) who were the India's representatives at the latest meeting of the World Food Organisation;

(b) how were they chosen;

(c) what representation was given to the Kisan section of the agriculturists, and how;

(d) what was the agenda before the meeting, and what were its decisions;

(e) was any report submitted by the Indian representatives to Government? If so, what it is; and

(f) do Government propose to send also the representatives of the Kisans and their organisations for the future meetings?

Mr. Pharoze Kharegat: (a) Under the constitution of the Food and Agriculture Organisation of the United Nations each member nation is to be represented by only one member with, if necessary, an alternate, associates, and advisers to assist him. India was represented at the last meeting by the Honourable Sir Girja Shankar Bajpai, Agent General to the Government of India in the United States. A statement giving a list of those who assisted him is laid on the table.

(b) They were selected by Government on the basis of their special qualifications for the work to be undertaken. The representatives from States were selected after consultation with the Political Department.

(c) One of the Vice Presidents of the Rural Peoples Welfare Society was nominated but he could not accept owing to other work.

(d) and (e). A copy of the agenda is laid on the table. A report containing the decisions was submitted by the delegation. Copies of the report will be supplied to Members as soon as printed.

(f) Every effort will be made to send delegations which will be as representative as possible, bearing in mind the limited number of persons who can be sent, the nature of the agenda and the time available for making the selections.

Statement showing the list of persons deputed to assist India's representative at the first session of the conference of the Food and Agriculture Organisation of the United Nations.

1. Akroyd, Dr. W. R., Director Nutrition Research Laboratories, Coonoor.
2. Bainsi Prasad, Dr., Fisheries Development Adviser to the Govt. of India.
3. Habib Ullah Khan, Khan Bahadur Sardar, of Lahore.
4. Howard, Sir Herbert, Retired Inspector General of Forests.
5. Rajwade, Mr. B. G., Controller of Supplies and Prices, Gwalior State.
6. Randhawa, Mr. M. S., Secretary, Imperial Council of Agricultural Research (Secy.)
7. Rao, Dr. V. K. R. V., Planning Adviser for Food to the Government of India.
8. Sethi, Mr. D. R., Agricultural Production Adviser to the Govt. of India.
9. Ujjal Singh, Sardar, of the Multan District.
10. Vijayaraghavacharya, Sir T., Prime Minister, Udaipur State.

AGENDA

FIRST SESSION OF THE CONFERENCE OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS.

Adoption of Temporary Rules of Procedure.

Election of Chairman and Officers of Conference.

Report by Chairman of United Nations Interim Commission on Food and Agriculture.

Appointment of Director-General of FAO.

Organization and Work of First Session.

Technical Work of Food and Agriculture Organisation in relation to :

Nutrition and food management.

Agriculture.

Forestry.

Fisheries.

Marketing.

Statistics.

Organization and Administration of Food and Agriculture Organisation :

Rules of procedure.

Budget and finance.

Administrative arrangements.

Constitutional and diplomatic questions.

Appointment of Executive Committee of Organization.

Other business.

Prof. N. G. Ranga: The point raised here is whether Government will make an effort to see that the representatives of the Kisans and their organisations also are represented at future Conference? What is the specific answer that my Honourable friend proposes to give to that question?

Sir Pheroze Kharegat: The claims of those organisations will be borne in mind when the next nominations are made.

Sardar Mangal Singh: What is this Rural Peoples Welfare Society to which the Honourable Member has referred?

Sir Pheroze Kharegat: I think Prof. Ranga would be the best person to reply to that question.

DEFLECTION OF TRADE BETWEEN INDIA AND SOUTH-EAST ASIA

258. ***Mr. P. B. Gole:** (a) Will the Honourable the Commerce Member be pleased to state if it is a fact that the export and import trade between India and the South East Asiatic countries is being deflected to the United Kingdom and other countries?

(b) What steps have Government taken or contemplate taking to restore the export and import trade between India and South East Asiatic countries and Ceylon on the pre-war level?

(c) What steps have Government taken or intend to take with a view to restricting the inflow of consumer's goods, which are being produced in India and which do not come under the scope of the Tariff Board?

The Honourable Dr. Sir M. Azizul Huque: (a) The reply is in the negative.

(b) The following steps have been taken or are contemplated to restore the export and import trade between India and South East Asiatic countries:

(1) The ban on private trade imposed under the Enemy Trading regulations, with British Far Eastern territories and the Philippine Islands has been withdrawn. The withdrawal of the ban on private trade with the occupied areas of China is under consideration, while the ban on trade with French Indo-China, Siam and the Dutch East Indies will be removed as soon as conditions permit.

(2) By virtue of an Open General Licence issued on the 22nd January 1946, import licences are no longer required for many industrial requirements and consumer goods from most of the British Empire countries. This will facilitate imports from Malaya and Hong Kong and other Empire territories in the

South East Asia Zone. With regard to the Philippines, a programme of requirements has been prepared and licences are being issued accordingly. As regards other territories, programmes of requirements have been prepared in accordance with which licences will be issued as soon as resumption of private trade is permitted.

(3) There is no legal bar to the export of uncontrolled commodities to the countries with which private trading has been permitted. As regards controlled commodities, supplies are at present sent from India through military channels. As soon as civil administration is restored in these countries, it is expected that private trade will be resumed. Negotiations to this end are proceeding.

(4) The import of almost all classes of goods from Ceylon has all along been covered by an Open General Licence and exports to Ceylon have been allowed under quotas.

(5) It is proposed to appoint trade commissioners in suitable places in the Far East and Ceylon with a view to facilitate trade between these territories and India.

(c) Manufacturers of consumer goods who desire protection to be accorded to their industries should apply in the prescribed manner for their case to be referred to the Tariff Board. Meanwhile, during the transitional period, in licensing imports of consumer goods due regard is being paid to the legitimate interests of the indigenous industries.

Mr. Manu Subedar: I brought to the notice of the Honourable Member a case where exports from Singapore to India of certain useful articles were permitted by the Singapore authorities, but no import licence was issued to those parties, and in view of that may I enquire why it is necessary in the case of imports from Singapore and Malaya that a licence must be taken?

The Honourable Dr. Sir M. Azizul Huque: As my Honourable friend knows, the facts are not exactly that import licences are not being issued, but steps are being taken for the issue of licences. I have already taken steps to get information on the subject from Bombay.

Mr. Manu Subedar: I am raising the general issue as to why the system of import licences for these countries should now be continued except for the protection of those articles which we want to protect?

The Honourable Dr. Sir M. Azizul Huque: That is why it is necessary. Supposing we do not check the import, a number of industries may be affected and therefore it is quite necessary that import control should be done at some stage.

Prof. N. G. Ranga: Has Government received any representation from the Chinese Government in regard to relaxation of these controls?

The Honourable Dr. Sir M. Azizul Huque: I cannot say off-hand.

PARLIAMENTARY MISSION

259. ***Prof. N. G. Ranga:** Will the Honourable the Law Member be pleased to state:

(a) if the Government of India have received any instructions or advice from the British Government regarding the Parliamentary Mission; if so, what;

(b) whether there is any truth in the press reports (10th January, 1946) that this Mission is expected or intends to prepare materials for a draft Indo-British Treaty; if so, the representations proposed to be made by the Indian Government; and

(c) whether Government will consult this House on that matter?

The Honourable Sir Edward Benthall: (a) Government have not yet received any instructions or advice from His Majesty's Government regarding the Parliamentary Delegation.

(b) As regards the first part, I invite the Honourable Member's attention to the following extract from the statement of the Lord President of the Council in the House of Commons on the 18th December last:

"I wish to make it clear that members will go out as representatives of Parliament to make personal contacts, to ascertain individual views, and to convey to leading Indians the broad general attitude of the chief political parties in the country.

The Delegation will not be in any sense charged with making an official inquiry, nor will it be asked to make any formal report."

The second part does not arise.

(c) Does not arise.

Mr. Manu Subedar: May I enquire whether it is not correct that an officer has been appointed to make a draft of Indo-British Treaty by the Government of India, and, if so, were not notes or drafts made by this gentleman shown to the Parliamentary Delegation or any member of the Delegation?

The Honourable Sir Edward Benthall: With regard to the first part of the question, I think that is part of the duties of the Reforms Commissioner. With regard to the second part, I have no information.

Prof. N. G. Ranga: Is it or is it not a fact that the Parliamentary Delegation met members of the Executive Council either individually or collectively.

The Honourable Sir Edward Benthall: Yes, among other people.

Prof. N. G. Ranga: My question is did they meet them individually or collectively? Did they meet the Executive Council as Executive Council or did they meet members of the Executive Council as individual members?

The Honourable Sir Edward Benthall: We met them at a tea party.

Prof. N. G. Ranga: Are we to understand that the Parliamentary Delegation was not given the benefit of the views of the Executive Council members?

The Honourable Sir Edward Benthall: No, Sir. We did not meet them officially.

Prof. N. G. Ranga: Are we to understand that the Executive Council does not count even to the extent of communicating their views to the Parliamentary Delegation?

The Honourable Sir Edward Benthall: No, Sir.

Shri Sri Prakasa: Who will sign the Treaty on behalf of India?

The Honourable Sir Edward Benthall: That question does not arise.

Sardar Mangal Singh: May I know whether the Government of India will find out from His Majesty's Government whether the Parliamentary Delegation has submitted any report to H. M. G.?

The Honourable Sir Edward Benthall: I am informed that they will not submit any formal report.

Sardar Mangal Singh: But now it has been given out that they might submit a report

The Honourable Sir Edward Benthall: I have not seen that information in the press.

Sardar Mangal Singh: Will the Government of India find out whether the Delegation is going to submit any report, or not? Where is the harm in making enquiries?

The Honourable Sir Edward Benthall: It is not a matter for the Government of India; it is for Parliament. I gather they will have informal conversation with the Government at Home.

Prof. N. G. Ranga: Just as Mr. Attlee has taken the opportunity of asking the Delegation to give him the impressions of their tour in India, so also did the Government of India take any opportunity of asking the Delegation to give them the benefit of their impressions?

The Honourable Sir Edward Benthall: Their whole purpose of coming out was to ascertain individual views and to convey to leading Indians the broad general attitude of the chief political parties.

Prof. N. G. Ranga: But did the Government of India take the trouble to ask the delegation to give them the benefit of their impressions?

The Honourable Sir Edward Benthall: No, Sir, the Government of India brought no pressure on them at all in forming their opinion.

Prof. N. G. Ranga: It is not a question of pressure. Did not the Government of India find it necessary to ask this delegation which has been going about the whole of India to give them the benefit of the impressions that they have formed as a result of their contacts with the principal political parties in India?

The Honourable Sir Edward Benthall: No, Sir.

Sreejot Rohini Kumar Choudhuri: Is it a fact that the Government of India did not wish to discuss these matters with the delegation because they felt that they could not represent India?

The Honourable Sir Edward Benthall: No, Sir.

TRIAL OF INDIANS FOR COLLABORATION WITH JAPANESE

260. *Prof. N. G. Ranga: Will the Secretary, Commonwealth Relations Department be pleased to state:

(a) the number of Indians resident in Malaya at the time of Japanese occupation, against whom the charge of collaboration has been brought, and what their names are;

(b) how many of them have been kept in detention, and how many have been tried, and with what results;

(c) how many still await trial, and what facilities were given to them to defend themselves; and

(d) whether any of their trials were publicly held, and in the case of how many any clemency was shown?

Mr. E. N. Banerjee: (a), (b) and (c). Such information as we have indicates that charges of collaboration, as distinct from charges of war crimes or charges involving brutality or cruelty, have been brought against 54 Indians. A list of their names is placed on the table of the house.

Many have been released, either unconditionally or provisionally. Two have been tried and sentenced to imprisonment. Excluding these 2 already convicted, 22 persons are at present detained; five on charges of mere collaboration and the rest on charges of collaboration *cum* brutality, torture or cruelty.

Local counsels have been engaged and lawyers from India have also since arrived in Malaya for their defence.

(d) Trials are being held publicly. Clemency, after conviction, have not been shown in any case.

List of Indians in Malaya against whom Charges of Collaboration has been brought

| Sl. No. | Name | Sl. No. | Name |
|---------|-----------------|---------|------------------------|
| 1. | Bhajan Singh | 11. | Krishnan T. S. M. |
| 2. | Cundard H. A. | 12. | Dr. M. K. Lukshun ayah |
| 3. | Dagireo Chawan | 13. | Naima Singh |
| 4. | Daud | 14. | Man Singh |
| 5. | Gurbachan Singh | 15. | P. Markan |
| 6. | Harbajan Singh | 16. | Jor Mascarires |
| 7. | Harcharan Singh | 17. | K. S. Menon |
| 8. | J. Pereira | 18. | N. K. Menon |
| 9. | Kailappan | 19. | K. A. Narayan |
| 10. | S. P. S. Kannu | 20. | Nitya Gopal Ghosh |

| Sl. No. | Name | Sl. No. | Name |
|---------|---------------------------|---------|--------------------|
| 21. | Paunalal Maganlal Dalal | 38. | Sadakar Din |
| 22. | Rachavan N. | 39. | Khedar Singh |
| 23. | Rarramenon | 40. | H. K. Benjamir |
| 24. | Regupathy M. C. | 41. | Rajoo R. M. |
| 25. | Sri Krishna | 42. | Majumdar Dr. D. K. |
| 26. | Srinivasagam | 43. | Subramaniam C. |
| 27. | V. Subramaniam | 44. | Sarma S. N. |
| 28. | G. V. Thavar | 45. | M. N. Nair |
| 29. | Vatakepat | 46. | A. I. Nathan |
| 30. | Amr eer Musheer Bint Saïd | 47. | Dr. Samual |
| 31. | Goho Srish Chandra | 48. | Nordin-Kuoci |
| 32. | John Sam | 49. | D. M. Suppian |
| 33. | Labrooy | 50. | Mall Singh |
| 34. | Maniam Pillay | 51. | Selva Nayagan |
| 35. | K. R. Menon | 52. | H. V. D. Bilva |
| 36. | Andiappan Muttiah | 53. | A. R. Unny |
| 37. | N. W. Pillai | 54. | Kerpai Singh |

Prof. N. G. Ranga: Have Government made any representations to the Malayan Government or the S.E.A.C. to show clemency towards any of these people who have been convicted so far?

Mr. R. N. Banerjee: The news of the conviction of only two persons came recently, and the matter is under examination.

Mr. K. C. Neogy: Am I to understand that the Government of India have undertaken the responsibility of meeting the cost of defence of these persons?

Mr. R. N. Banerjee: Yes, Sir.

Mr. Sasanka Sekhar Sanyal: Have the Government of India ever taken up the question of repatriating these prisoners here for trial?

Mr. R. N. Banerjee: As the Department concerned has had occasion to explain to the House, it is really not our policy to have these people repatriated to India and hold their trial here. Apart from that, this suggestion of repatriation has an important political aspect. On the one hand we cannot claim full citizenship rights for these countrymen of ours in those countries, and on the other hand we cannot also insist on their being repatriated to India for trial for the alleged infringement of the laws of those countries. It is for these reasons that we have not pursued the suggestion made in the press of having these people repatriated to India.

Mr. Sasanka Senkhar Sanyal: Have the Government of India made any representation to the B.M.A., Malaya, that this Government wants the same policy to be followed there, viz., that people who are not charged with brutality should not be tried?

Mr. R. N. Banerjee: Yes, Sir; and as a result of that, I may inform the House, a very large number of Indians who had been originally arrested have already been released, and only five are now under detention on charges of mere collaboration. Even as regards them we are pursuing the matter.

Mr. Sasanka Sekhar Sanyal: Have the Government of India asked the reasons as to why these people who are charged merely with collaboration have not yet been released?

Mr. R. N. Banerjee: Our representative to the S.E.A.C. has been taking this matter up almost from day to day with the local authorities.

Seth Govind Das: Have the Government of India instructed their representative there that the people who are charged with collaboration should be released?

Mr. E. N. Banerjee: Not only our representative but even the Government of India have made direct representations to the S.E.A.C. to that effect; and, as I said, the response has been on the whole very favourable, and the cases of the few persons who still continue to be under detention are also being pursued.

Prof. N. G. Ranga: In regard to these 22 people still under detention, is any effort being made by the representative of the Government of India to see that they are not ill-treated while under detention?

Mr. E. N. Banerjee: There are no complaints of ill-treatment now. Our representative visited these detainees in all the jails as early as the first half of November, and he took every possible care to ensure that there was no ill-treatment of these people in jail.

JEDDA SANITATION DUES

261. *Mr. Ahmed E. H. Jaffer: Will the Secretary, Commonwealth Relations Department please state:

(a) if it is a fact that the Jeddah sanitation dues were Rs. 22 in 1933-34, Rs. 27 from 1934-35 to 1941-42 and since then Rs. 90/10/-; and

(b) If the answer to (a) be in the affirmative, will the Honourable Member kindly enlighten the House on the following points:

(i) whether the Government of India consider the enormous increase from Rs. 22 to Rs. 90/10/- reasonable;

(ii) if the rise is not considered reasonable, have government taken any step to see that reasonable dues are levied; if so, what steps have been taken and with what results, and, if not, why not;

(iii) is the Jeddah Sanitation Station properly equipped and efficiently manned;

(iv) whether, according to the provisions of the International Sanitary Convention, any sanitary station can collect dues in excess of the cost of its upkeep and thus make a profit or do Government consider this fair, and, if not, have they drawn the attention of the Saudi Government to this fact; and

(v) on how many occasions and by how many pilgrims the Jeddah Sanitary Station was used during the course of the last 10 years and whether the arrangements existing there were considered satisfactory and efficient?

Mr. E. N. Banerjee: (a) During the period from 1933-34 to 1940-41 Jeddah sanitation dues were fixed at £.G.1.1/11 the rupee equivalent of which varied according to the market rates of exchange. In 1941-42, these dues were fixed at 40 *Riyals* but a 25 per cent reduction was made. In 1944-45, they were increased to 50 *Riyals* and Indian pilgrims paid Rs. 85 Annas 8, at the exchange rate of one *riyal* being equal to Re. 1 Annas 11. In 1945-46, they were fixed in rupees at Rs. 85 Annas 8.

(b) (i) The dues were originally fixed really in terms of gold sovereigns and in terms of gold, they have increased from £.G.1.1/11 in 1934 to £.G.1.1/4 in 1945. The small increase is sought to be justified by the increase in prices. The sharp increase from Rs. 22 to Rs. 85-8-0 is due mainly to the rise in the price of gold and partly to the Saudi Arabia Government insisting on payment in rupees. The fixation of the dues in rupees at the rate of Rs. 1-11-0 per *riyal* instead of at the current rate of Rs. 1-2-0 per *riyal*, is not considered reasonable by the Government of India.

(ii) The Government of India did make representations against the increase in so far as it was brought about by the high rate of exchange but the Saudi Arabian Government did not reduce the rate of exchange as they prescribed similarly high rates of exchange for other countries as well.

(iii) No. But the station could be brought into operation at short notice.

(iv) The International Sanitary Convention of 1926 as amended in 1938 does not lay down any specific amount to be recovered from pilgrims as sanitation charges.

(v) During the last 10 years, the Jeddah Sanitary Station was not used by pilgrims. The latter part of the question does not therefore arise.

PAYMENT OF DUES BY PILGRIMS TO HEJAZ

202. *Mr. Ahmed E. H. Jaffer: Will the Secretary, Commonwealth Relations Department please state:

(a) if it is a fact that in 1944-45 Haj season, when the Saudi Government dues and transportation charges were collected in advance by the Government of India, pilgrims travelling by first class were allowed to carry with them 87 gold sovereigns and the deck pilgrims 15 sovereigns;

(b) whether during the 1945-46 Haj season, when the Saudi Government dues and transportation charges were to be paid by the pilgrims in the Hejaz, pilgrims travelling by first class were allowed to carry 80 gold sovereigns and the deck pilgrims 20 gold sovereigns;

(c) whether the Standing Haj Committee, whom the Government of India consulted on the demand of the Saudi Government for the advance collection of these dues at the high rate of exchange, did not express their opinion, at their meeting held on the 14th September, 1945, that Government should not submit to the Saudi Government's demand, but should strengthen the hands of the pilgrims by allowing them to carry a larger number of gold sovereigns than in the 1944-45 Haj season; and

(d) what steps do Government propose to take to make good the loss which the pilgrims had to suffer?

Mr. R. N. Banerjee: (a) In 1944-45 Haj season pilgrims were allowed to carry with them gold sovereigns as stated below:

| | First Class (travelling by bus in the Hejaz) | Deck Class (travelling by bus in the Hejaz) | Deck Class (travelling by Camel in the Hejaz) |
|-----------|---|--|---|
| 1st Batch | 15 | 15 | 12 |
| 2nd Batch | 37 | 26 | 23 |

(b) Yes.

(c) Yes. The Saudi Arabian Government, however, insisted that, even though made on the spot after arrival at the Hejaz, all payment of their dues must be in fixed sums in Indian currency, that is to say, in rupees and not in gold or riyals. Increase of gold sovereigns to be carried would not therefore have been of any advantage to pilgrims.

(d) Does not arise.

CARRIAGE OF PILGRIMS FROM BOMBAY TO KARACHI IN SHIPS FOR JEDDAH

203. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary, Commonwealth Relations Department please state if it is a fact that some pilgrim ships which sailed from Bombay during the 1945-46 Haj season to carry pilgrims from Karachi to Jeddah, actually carried some pilgrims from Bombay to Karachi as local passengers on payment of extra passage fare from Bombay to Karachi?

(b) Is it a fact that some pilgrims, while returning from Jeddah and wishing to proceed to Bombay, were allowed to continue their voyage from Karachi to Bombay in the same pilgrim ships, on payment of excess passage money as fare from Karachi to Bombay?

(c) If the answer to (a) and (b) be in the affirmative, what was the total number of such passengers which travelled from Bombay to Karachi and from Karachi to Bombay, in how many ships, and what was the passage fare paid by these pilgrims for these voyages?

(d) Are Government aware that the s.s. *Englestan*, which has a pilgrim-carrying capacity of about 850, actually sailed from Bombay in September with only about 300 Bombay to Karachi passengers to take up the pilgrim-run from Karachi?

(e) Are Government aware that pilgrims from the Bombay Presidency, Hyderabad, the whole of the South of India, and even Bengal, would prefer to sail from Bombay on their Haj voyage rather than from Karachi, which would mean the saving to them of 2 to 3 day's extra rail or sea journey, as also a saving in their expenses?

(f) Is it not a fact that on account of not arranging pilgrims to sail from Bombay, the pilgrims who proceeded to Jeddah this year from these provinces are estimated to have suffered a loss of Rs. 2,50,000; if not, what is the Government estimate of the extra expenses to which these pilgrims were put to?

Mr. R. N. Banerjee: (a) Yes.

(b) Yes.

(c) 706 from Bombay to Karachi and 757 from Karachi to Bombay in six ships. Fares paid were Rs. 87 for I class, Rs. 56 for II class and Rs. 19-8-0 for Deck class. Only those who travelled first class from Karachi to Bombay by ships of the Mogul Line paid Rs. 84-8-0.

(d) Yes. The s.s. *Englestan* carried 299 passengers against its carrying capacity of 856.

(e) Yes.

(f) The closure of the Bombay port to the pilgrim traffic was considered to be advisable and in the interest of the pilgrims on account of the abnormal conditions created by the war. It is not possible to make any estimate of the additional expenditure which pilgrims from certain provinces had to incur. This additional expenditure was however unavoidable in the abnormal conditions.

Seth Yusuf Abdoola Haroon: With reference to part (d) of the question may I know from the Honourable Member why only 300 passengers were carried as against its capacity of 800?

Mr. R. N. Banerjee: The number of persons carried were those who wanted to take advantage of this boat for travelling from Bombay to Karachi. This was a case of what is known as "unberthed passengers". It was no part of our duties to provide them sea passage from Bombay. We were under obligation to provide sea passage from Karachi but on account of some accident to the railway line and for other reasons the local Port Haj Committee approached us and we made a special exception and the number depended upon the number of people who wanted to avail themselves of that mode of travelling.

Mr. Ahmed E. H. Jaffer: Will Government consider the question of making arrangements for the departure of these pilgrims by sea from Bombay, especially those who come from the southern parts of India?

Mr. R. N. Banerjee: It is our intention to get back to normal conditions as soon as possible and we shall do our best.

Mr. Ahmed E. H. Jaffer: What do you mean by normal conditions?

Mr. R. N. Banerjee: I mean pre-war conditions.

Mr. Ahmed E. H. Jaffer: The war is now over and pre-war conditions have come

Mr. President: Next question.

EXCESS FARE CHARGED BY MESSRS. MOGUL LINE, LIMITED

264. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary, Commonwealth Relations Department please state if it is a fact that one of the shipping companies, Messrs. Mogul Line, Limited, engaged in the pilgrim traffic this year, charged Rs. 150 as first class passage fare per passenger from Karachi to Bombay to some of the pilgrims?

(b) Is it a fact that the other shipping company, Messrs. Scindia Steam Navigation Company, Limited, charged Rs. 87 as first class passage fare from Karachi to Bombay to the pilgrims travelling by their ship?

(c) Is it a fact that both the above shipping companies, while intimating to the Bombay Port Haj Committee their readiness to carry pilgrims between Bombay and Karachi, had given their first class passage fare as Rs. 87?

(d) If the answers to the above be in the affirmative, what steps do Government propose taking to see that Messrs. Mogul Line, Limited, do not repeat such actions in charging exorbitant fares to pilgrims? Do Government propose to compel them to refund such excess as they may have charged during the current season?

Mr. E. N. Banerjee: (a) This fare was charged from seven pilgrims.

(b) Yes.

(c) Yes.

(d) The higher fare was charged erroneously. This is the British India Steam Navigation mail rate as opposed to the lower Bombay Steam passenger rate. The excess has already been refunded by the company to six pilgrims. The seventh can also have the refund of the excess on application. No action is therefore considered necessary.

KAMARAN QUARANTINE STATION

265. *Mr. Ahmed E. H. Jaffer: Will the Secretary, Commonwealth Relations Department please lay on the table:

(a) accounts of the Kamaran Quarantine Station for the past two years; and

(b) figures of consumption of distilled water by pilgrims and men of war during the past two years?

Mr. E. N. Banerjee: (a) A copy of the accounts for 1944 is placed on the table of the House. Accounts for 1945 are not yet ready.

(b) Nil.

STATEMENT ' B '

Statement showing the income, expenditure, surplus or deficit and the closing balance of the Personal Deposit Account of Kamaran Quarantine Station Fund for the year 1944

| Opening Balance on 1st January, 1944 | Total income | Total pay- ments | Surplus at the end of the year | Deficit at the end of the year | Closing Balance on 31st December, 1944 |
|--|--------------|---------------------|-----------------------------------|-----------------------------------|--|
| 138,692-2-10 | 20,148-11-11 | 157,687-3-4 | | 137,538-7-5 | 1,153-11-5 |

H. M.'s Kamaran Sub-Treasury.
Kamaran, the 21st January, 1945.

Sd./—
Civil Administrator, KAMARAN.

BURMA INDIAN REFUGEES

266. *Prof. N. G. Ranga: Will the Secretary, Commonwealth Relations Department be pleased to state:

(a) how many Burma Indian refugees have so far been helped to return to Burma and under what conditions;

(b) whether any Government assistance has been given to them before and after going to Burma;

(c) by whom they are employed *i.e.*, Burma Government or private employers;

(d) how many of them were recruited through contractors;

(e) the plans of Government for helping the other refugees to return to Burma; and

(f) whether the Government of India will consider the advisability of taking special steps to help these refugees to return to Burma without the medium of the system of 'contract labour'?

Mr. R. N. Banerjee: (a), (b), (c) and (d). The question presumably refers to return to Burma of Indian refugees of the labouring classes. If this presumption is correct, no such Indian refugees have so far been helped by the Government of India to return to Burma; and parts (b), (c) and (d) of the question do not, therefore, arise. In 1944 the Government of India agreed to the recruitment of 16,000 skilled and semi-skilled labourers by the Civil Affairs Section (Burma). It is understood that certain refugees have been taken to Burma as part of the labour recruited under this scheme. But no precise details are available.

(e) A statement is laid on the table.

(f) Yes.

Statement

1. In consultation with the Government of Burma a scheme for the repatriation of Indian evacuees who are desirous of returning to Burma is being worked out. Identity certificates are being issued to evacuees all over India and their applications for passages are registered by Protectors of Emigrants at the ports of Madras, Vizagapatam, Calcutta and Chittagong. Embarkation notices will be sent to evacuees as and when ships for their transport are available. The first batch is expected to leave India in April next. The question of financial assistance to evacuees who are in need of it, is under consideration and orders will be issued shortly. The Government of Burma have agreed to look after Indian evacuees once they reach the ports of disembarkation in Burma.

2. A Press Note and Instructions to local authorities issued by the Government of India are attached.

PRESS NOTE

REPATRIATION OF EVACUEES TO BURMA

Registration and issue of Identity Certificates

Last date extended to February 28th

It was stated in a Press Note issued on December 4th, 1945, that registration and issue of identity certificates to Indian evacuees from Burma desirous of returning to that country would commence on December 10th, 1945, and would be completed on January 31st, 1946.

Requests have been received from several evacuee associations that this date should be extended. The Government of India have, accordingly, decided that identity certificates should continue to be issued throughout February, the last date of issue being February 28th, 1946.

Evacuees are advised to take out their identity certificates even though they are not willing to proceed to Burma immediately, as these identity certificates will be useful to enable them to return to Burma even at a later date. Evacuees who are in receipt of financial assistance are specially reminded that if they fail to take out their identity certificates, the assistance granted to them is liable to be stopped.

Commonwealth Relations Department;

New Delhi, January 18th, 1946.

INSTRUCTIONS TO LOCAL AUTHORITIES—REGISTRATION OF AND ISSUE OF IDENTITY CERTIFICATES TO INDIAN EVACUEES DESIROUS OF RETURNING TO BURMA.

General

There are nearly 4,00,000 of evacuees from Burma in this country. It is a principle accepted by both the Government of Burma and the Government of India that all such persons, as have been obliged to leave Burma, as a result of the war, and subsequent occupation of the country by the Japanese, and also those who, in normal course, would have returned to Burma but for the war and subsequent Japanese occupation of Burma, should be enabled to return to Burma, before others who had no previous connections with that country.

2. Due to severe shipping losses suffered during the war, and on account of the heavy military demands immediately after the termination of the war for the movement and repatriation of troops and prisoners of war suddenly released from Japanese internment camps in scattered areas in the East, it is impossible to repatriate large numbers of evacuees at present to Burma from India.

3. On the other hand, even, if shipping space was immediately available, internal conditions in Burma do not, at present, make it advisable to permit large scale repatriation to that country. Internal communications have been utterly disrupted. No internal river traffic is possible at all. Every railway bridge and railway station has been substantially damaged or knocked out. The dispersal by road, from points on the railway, is still not possible, both, on account of (i) serious damage to roads and bridges and (ii) the absence of vehicles.

4. Because of lack of transport facilities, the food situation in Burma is not happy. Finally, there is a complete dearth of consumer goods and there is, particularly, an acute shortage of cloth.

5. In view of all this it is necessary to regulate the gradual return of evacuees and amongst the evacuees themselves, it is necessary to arrange a system of priorities, to enable both the Governments to decide what classes of evacuees should precede the others, particularly in the initial stages.

6. It is for these reasons that evacuees desirous of returning to Burma are being required to apply to local authorities, on a prescribed form, and on their satisfying the local authorities as to their status as evacuees, they are to be issued identity certificates, in a prescribed form in order to safeguard against impersonation by persons who are not genuine evacuees. This arrangement is in the interest of evacuees themselves. The forms of application and identity certificates are included in this pamphlet.

7. The registration will commence on the 1st December 1945 and will be completed by the 28th February 1946. The registration will be done at the Taluq, Tehsil or Circle Office on all working days.

Evacuee

8. An evacuee for the purpose of this scheme may be defined as any person who was obliged to leave Burma as a result of the war and subsequent Japanese occupation of that country; and any person who was resident in Burma and had left that country prior to the declaration of hostilities and would have returned to Burma if it had not been for the war and the consequent Japanese occupation of that country.

The issue of identity certificates

9. The magistrate issuing the Certificate of Identity should certify that the person concerned "has been correctly identified" before him "as an Evacuee from Burma". Before issuing the certificate, therefore, the magistrate is to satisfy himself, on the best evidence available in each case, that the applicant is an evacuee as defined in paragraph 8 above. This may be done in one of several ways. If the applicant is in receipt of financial assistance as a Burma evacuee, there need be no further scrutiny, except to ensure that to the best of the knowledge and belief of the magistrate the particulars in the form of application have been correctly filled in. If the evacuee declares that he had been enumerated at the Census of evacuees in 1943, this may in itself be good evidence, too. Failing these, help may be sought from responsible office bearers of duly constituted, evacuee or refugee organisations to establish the person's identity as an evacuee. In other cases, help may be sought from persons who might have held important official or non-official positions in Burma, e.g., members of the House of Representative, Honorary Magistrates, Members of the Rangoon Corporation, Rangoon Port Trust, Rangoon University, etc., or any other respectable Burma evacuee himself well known in the local area. Such persons would be in a position to identify the evacuee, or knowing the country (Burma), may be able to put intelligent questions to the applicant and ascertain whether he is a *bona fide* evacuee or not. The assistance of the Central and Assistant Refugee Officers of the area may also be obtained during their tours. In the last instance, the headman of the village, where the evacuee has normally resided, is likely to know the truth, as these matters do not remain a secret in the village. The applicant may be able to produce some documents or letters in support of his plea—but "documentary evidence" is not to be demanded by any means in all cases. The magistrate is expected to use his intelligence and obtain, in each case, the best available evidence on the spot, without putting the applicant to any undue inconvenience or hardship.

Who is to apply—Dependents

10. All male adults above the age of 18 are to apply on a separate form and obtain separate Identity Certificates. Male dependents of evacuees below 18 and female dependents of whatever age are not required to apply and obtain separate Identity Certificates. All females who are not attached to any adult males as dependents should also apply and obtain separate Identity Certificates. Any dependents (other than male adults above 18) who are to go with such non-dependent females should be included in the application and Identity Certificates of such females concerned (see Col. 11 of the application form and back of Identity Certificate).

11. The term "dependent" should ordinarily be interpreted as meaning a person who has no independent means of livelihood himself. But it need not be interpreted very strictly and may include members of joint families, who themselves have some independent means of livelihood. But it may be explained to the evacuee that it would be to the advantage of adult persons to have their own identity certificates, so as to facilitate their proceeding to Burma independently, should this become necessary by circumstances.

12. IN EVERY CASE WHERE A SEPARATE IDENTITY CERTIFICATE IS REQUIRED, OR IS NECESSARY UNDER THESE INSTRUCTIONS, A SEPARATE APPLICATION FORM MUST BE FILLED IN FOR THE PERSON CONCERNED.

Instructions for Filling Identity Certificates.

13. All certificates shall bear the signature and designation of the Issuing Magistrate and the official seal. Under the signature and designation the "District" and the "Province" or State in which the certificate is issued, shall be put down, together with the "Date" of issue.

14. If the evacuee is in a position to obtain small, about pass-port sized, photographs, such photographs may be affixed in the space provided on the Identity Certificate as well as on the back of the duplicate copy of the application form (in the space provided). The signature or left thumb impression (if illiterate) of the evacuee should be taken across the photographs, partly on the photographs themselves. As these certificates may be of use to the evacuee in Burma, later, it may be explained that it would be in the interest of the evacuee to affix such photographs, but if obtaining photographs is difficult and the evacuee is not in a position to bear the expense, these should, on no account, be insisted upon.

15. In the absence of the photographs, the signature or clear left thumb impression of the person concerned, should be obtained on the Certificate and on the back of the copies of the application form, in the space provided.

16. Other columns elsewhere in the Identity Certificate are essential extracts of information obtained, in detail, on the application form, and these columns in the Identity Certificate must entirely tally with the answers in the application form.

17. The column in Identity Certificate "Destination in Burma" is to show the address in Burma; if column 9 (in application form) "Future address in Burma" is different from column 8, "Last permanent address in Burma", then the address given in column 9 and not in column 8 shall be shown in the relevant column in the Identity Certificate.

18. Under "Pre-evacuation interests in Burma", in the Certificate of Identity, if in column 14 (a) of the Form of application, if there are any stranded members of the family and dependents, in the first line under this head in the Identity Certificate, say without giving details "(a) Stranded members of the family". If, similarly, under 14(b) in application form there is any house property, in the Certificate of Identity, say that "House Property". If neither of 14(a) or 14(b) are given in the application form, omit all mention of both these items from the Identity Certificate. If any answers are given in the application form to 14(c). "Any other interests", in the Certificate of Identity, say "14(c)" and add any one and not more than two of the vocational interests as stated in the form of application.

19. The number of the Identity Certificate issued should be carefully entered in the original as well as the duplicate application forms in the right top corner of the front page. The same number should be entered by the issuing authority on the back page of the application forms in the place indicated.

20. An account of the number of the Identity Certificates should be kept by all the local authorities and all unused certificates will have to be returned to the Central Government in accordance with instructions which will be issued in due course.

21. The local authority issuing certificates of identity should retain the original of the application form together with any papers connected with the issue, e.g., a certificate from an evacuee association, in his office. The duplicate should be sent the same day without fail to the Protector of Emigrants concerned.

22. On receipt of the duplicate of the application forms in respect of which certificates have been issued by local authorities, the Protector of Emigrants will prepare (a) Registers of Evacuees and (b) Abstracts, as prescribed by the Central Government.

23. As soon as the evacuee embarks, the entries on the back of the duplicate application form will be filled by the Protector of Emigrants and returned to the local authority who issued the certificate of identity.

24. The local authority will, in the case of persons who have received financial assistance during their stay in India, then complete the entry regarding financial assistance on the back of the form and forward the form together with the personal file of the evacuee to the Secretary to the Government of India, Department of Commonwealth Relations, New Delhi.

INSTRUCTIONS FOR FILLING IN THE APPLICATION FORM

1 & 2. "Name"....."Father's/Husband's Name".....All proper names, whether of persons or places, occurring anywhere in the form or the Identity certificate should be in full (not initials) and in block capitals.

4. "Address in India".....For rural areas, name village Tehsil/Taluk/Circle, District and Province; for urban areas, name street, etc., town, district and province.

5. "Home in India (if any)".....If evacuee has any permanent home in India, besides whatever he had in Burma, say "Yes", otherwise say "No".

6. Occupation in India (if any)".....If evacuee has obtained any permanent means of livelihood it should be entered here. If not, say "No occupation".

7. "Approximate date of evacuation".....Enter here the date on which the applicant last arrived in India from Burma. If exact date is not known, give the month and year, e.g., "March 1942".

8. "Last permanent address in Burma".....and name of employer (if any)" State evacuee's last permanent address in Burma. State No. of the house, street, town and district in urban areas, and village, township and district in rural areas. Add the name of the employer or firm in the column provided, if any.

9. "Future address in Burma".....If the evacuee does not intend to return to his last permanent address given in question No. 8 state particulars, as in 8, of the new address or destination, as accurately as possible.

10. "Accommodation now available in Burma".....To be filled in only if the evacuee has a residential house in Burma; if so state particulars as in 8. Alternatively, if the evacuee knows any relation or friend who can probably accommodate him, state his name and address as in 8.

11. "Dependents accompanying the evacuee to Burma".....State name, relationship, age and sex of dependents, which the evacuee wants to take with him to Burma. All male dependents above the age of 18 years must fill in separate application form and obtain separate identity certificates. All applications of male adult dependents desiring to go as a group should be pinned together. Female dependents of all ages and male dependents below 18 are not required to fill separate applications, nor obtain separate identity certificates.

12. "Will you go alone if dependents are not permitted at present to go to Burma". As far as possible the evacuee will be enabled to proceed with dependents; but this cannot be guaranteed. The answer should be "Yes" or "No". If the answer is "No", the going of the evacuee may be delayed.

13. "Financial assistance, if any, received in India". State only the approximate amount and the district or districts and Province or State in which it was received and whether from the Government of Burma or Government of India, e.g., "Rs. 750—District Mainpuri—U.P. Government of India (or Burma)".

14. "Pre-evacuation interest in Burma".

(a) "Stranded members of family and dependents"—State only numbers, relationship and last known district, not names, e.g., "Husband and two children—Shwebo" or "Grand mother, two neices and three nephews—Mandalay".

(b) "House Property". If the evacuee had any house property anywhere in Burma, residential or otherwise, state approximate pre-evacuation valuation, and address, as in para. 8.

(c) "Any other interests". This column is for the pre-evacuation means of livelihood of the evacuee in Burma. The various possible means of livelihood are given in Appendix II below. It is not intended that the answers to this question should be recorded according to the classified means of livelihood in this Appendix. Such a classification will be made by the Protector of Emigrants when these forms are sent to the Protectors at Ports. The answers are to be recorded as given by the evacuee, e.g., if a man says he is a boot maker, he should be recorded as a boot maker, and not as "Industries of drees and toilet" and a cartman as a cartman, not as "Transport by land". The answers, however, should not be vague, but must be specific and clear.

It is proposed to divide the workers following industrial means of livelihood into skilled and unskilled workers. A skilled worker is any person employed in any work requiring technical knowledge. The Carpenter in a Carpenter's shop is a skilled worker. An ordinary labourer employed by a carpenter is an unskilled worker. The Magistrate should see that the reply to the question is given in a way to enable the Protector of Emigrants to classify the worker at a later stage as skilled or unskilled.

State any *one* and not more than *two* items, in order of importance, if evacuee had more than one means of livelihood.

(d) "Prospects in Burma". State what means of livelihood the evacuee hopes to have soon after returning to Burma. He may be able to count on his income from house property (14 b); or he may be able to depend on any of the items in (14 c); or he may be hoping to regain his previous employment, if he had any (8). See briefly and intelligently the answer given to the question.

15. "Were you enumerated in 1943 census". If enumerated name the Taluq/Tehsil/ Circle, District and the Province or State in which the evacuee was enumerated.
16. "Class of steamer accommodation desired". State whether accommodation desired is First or Second class Cabin or Deck accommodation. It may be explained that Cabin accommodation may have to be entirely reserved, in the initial stages, for the infirm and the aged.
17. "If necessary, will you travel by lower class, if so, state lowest class" Self explanatory.
18. "Month when the evacuee desires to return". The earliest month, in 1946, in which evacuee is prepared to return may be stated, e.g., "February, 1946", "March 1946". It may be stated that it may not be in the interest of the evacuees to rush to Burma in the initial stages, particularly if the evacuee or dependents has or have any employment in India, or if the minor dependents are in school, etc. It must also be explained that there is no guarantee that the evacuee will be enabled to proceed to Burma in the month stated in this Column.
19. "Messing (European or Hindu vegetarian/non-vegetarian or Mohammedan)".....The answer is necessary to enable authorities to arrange for messing in Reception Camps in India, on Board Ship and in Reception Camps in Burma.
20. "Marks of identification". Any prominent marks on face, hand or foot, which can easily be noticed, such as scars, moles or deformities, if any, and colour of eyes, black, brown, green or colour of hair may be entered intelligently.
21. "Port of embarkation". The ports of embarkation will be as shown below :
- Madras*—The whole of the Province of Madras and Southern India States except Vizagapatam, East & West Godavari, Kistna and Guntur Districts.
- Vizagapatam*.—Vizagapatam, East and West Godavari, Kistna and Guntur Districts of the Province of Madras, Ganjam District of Orissa and Hyderabad.
- Chittagong*.—Chittagong, Noakhali, Tipperah, Mymensingh and Dacca Districts of the Province of Bengal and Sylhet district of the Province of Assam.
- Calcutta*.—Rest of India not served by the Madras, Vizagapatam and Chittagong ports.

No.....

APPLICATION FORM FOR BURMA INDIAN EVACUEES DESIROUS OF RETURNING TO BURMA

1. Name (in full).....
2. Father's/Husband's Name.....
3. Age and Sex
4. Address in India
5. Home in India (if any)
6. Occupation in India (if any)
7. Approximate date of evacuation
8. Last permanent address in Burma and name of employer (if any)
9. Future address in Burma
10. Accommodation now available in Burma.
11. Dependents accompanying the evacuee to Burma :

| Name | Relationship | Age | Sex |
|-------|--------------|-------|-------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

12. Will you go alone if dependents are not permitted at present to go to Burma?
13. Financial assistance, if any, received in India
14. Pre-evacuation interests in Burma :
 - (a) Stranded members of family and dependents
 - (b) House property
 - (c) Any other interests

(d) Prospects

15. Were you enumerated in 1943 census

Tehsil

District

Province

16. Class of steamer accommodation desired

17. If necessary, will you travel by lower class

If so, state lowest class

18. Month when the evacuee desires to return

19. Messing (European or Hindu vegetarian/non-vegetarian or Mohammedan)

20. Marks of identification

21. Port of embarkation

(Page 2)

(For official use only)

(To be filled in the office of the local authority)

Identity card No.....has been issued.

Photograph/Signature/left

thumb impression of evacuee.

Signature.....
 Designation.....
 District.....
 Province.....
 Date.....

(Official seal).

(To be filled in the Office of the Protector of Emigrants.)

Arrived at the port on

Financial assistance, if any, granted at the port, prior to embarkation (receipt attached)

Embarked on

Form returned to local authority on

Protector of Emigrants.

(To be filled in the office of the local authority)

Forwarded to the Secretary to the Government of India, Department of Commonwealth Relations, New Delhi, with the remark that a sum* of Rs.

(Rupees) is due from the applicant in respect of financial assistance granted to him during his stay in India. His personal file is attached.

Signature.....
 Designation.....

(Official seal).

*The total amount due from the evacuee including the amount granted by the Protector of Emigrants at the time of embarkation should be entered here.

(Page 2).

BURMA EVACUEE IDENTITY CERTIFICATE

Destination in Burma

Dependents—Name & relationship with evacuee.....

Pre-evacuation interest in Burma.....

Where enumerated in Census.

Province..... Dist..... Tehsil.....

(Page 1).

Name

Father's name

Husband's name

Address in India

Age and Sex

Marks of Identification

Port of Embarkation

No.....

(Page 3).

I, Mr.

Magistrate

Class, do hereby certify

that Mr./Mrs./Miss

whose particulars are given

within, has been correctly identified before me as an Evacuee from Burma.

Photo/Signature/Left thumb

impression of the evacuee.

Signature.....

Designation.....

District.....

Province.....

Date.....

(Official Seal of the Court.)

APPENDIX I

LIST OF DISTRICTS AND STATES IN BURMA.

- | | |
|------------------------|--------------------------|
| 1. Akyab. | 22. Thayetmyo. |
| 2. Arakan Hill tracts. | 23. Minbu. |
| 3. Kyaukpyu. | 24. Magwe. |
| 4. Sandoway. | 25. Patokku. |
| 5. Rangoon. | 26. Chin Hills. |
| 6. Pegu. | 27. Mandalay. |
| 7. Tharrawady. | 28. Kyaukse. |
| 8. Hanthawady. | 29. Meiktila. |
| 9. Insein. | 30. Myingyan. |
| 10. Prome. | 31. Yamethin. |
| 11. Bassein. | 32. Bhamo. |
| 12. Henzada. | 33. M'itkyina. |
| 13. Mvaun mya. | 34. Shwebo. |
| 14. Maubin. | 35. Sagaing. |
| 15. Pyapon. | 36. Katha. |
| 16. Salween. | 37. Lower Chindwin. |
| 17. Theton. | 38. Upper Chindwin. |
| 18. Amherst. | States. |
| 19. Tavoy. | 39. Northern Shan State. |
| 20. Margui. | 40. Southern Shan State. |
| 21. Toungoo. | 41. Karenni. |

APPENDIX II

I—AGRICULTURE

- (i) Non-cultivating proprietor.
 - (ii) Cultivating Proprietor.
 - (iii) Tenant cultivator.
 - (iv) Agricultural labourer (seasonal).
 - (v) Stock raiser (i.e., breeder of cattle or other animals, herdman, shepherd).
 - (vi) Fisherman (including Pearling).
- State one or not more than two of the above categories.

II. EXPLOITATION OF MINERALS (Workers in Mines)

- (i) Metallic Minerals—
 - (a) Lead, Silver and Zinc.
 - Skilled workers,
 - Unskilled workers,
 - (b) Tin and Wolfram.
 - Skilled workers,
 - Unskilled workers,
 - (c) Others.
 - Skilled workers,
 - Unskilled workers,
- (ii) Non-metallic minerals.
 - Skilled workers,
 - Unskilled workers,

III. INDUSTRY

- (i) Wood.
 - (a) Saw-mill employees
 - Skilled workers,
 - Unskilled workers,
 - (b) Carpenters, turners and joiners, etc.
 - Skilled workers,
 - Unskilled workers,
 - (c) Others (Basket makers and other industries of wood materials including leaves, bamboo reeds or similar materials).
 - Skilled workers,
 - Unskilled workers,
- (ii) Metals
 - (a) Blacksmiths, other workers in iron, makers of implements
 - Skilled workers,
 - Unskilled workers,
 - (b) Other [Workers in other metals (except precious metals), makers of arms, guns, etc., workers in mints, die-sinkers, etc.]
 - Skilled workers,
 - Unskilled workers,
- (iii) Ceramics
 - (a) Brick and tile makers
 - Skilled workers,
 - Unskilled workers,
 - (b) Others (Potters and makers of earthenware and other workers in ceramics)
 - Skilled workers,
 - Unskilled workers,
- (iv) Chemical Produces (Manufacture of matches, fireworks, other explosives, aerated and mineral waters and ice manufacture and refining of vegetable and mineral oils. etc.).
 - Skilled workers,
 - Unskilled workers,
- (v) Food (Rice pounders and baskets flour grinders, grain parchers, butchers, makers of molasses, gur, sweetmeat and condiment, toddy drawers, brewers and distillers, manufacturers of tobacco, opium and ganja).
 - (a) Rice Milling
 - Skilled workers,
 - Unskilled workers,
 - (b) Salt Industry
 - Skilled workers,
 - Unskilled workers,
 - (c) Sugar Industry.
 - Skilled workers,
 - Unskilled workers,
 - (d) Others
 - Skilled workers,
 - Unskilled workers,
- (vi) Industries of dress and the toilet (Boot, shoes, sandals, and clog makers, tailors, milliners, dress makers, embroiderers, hat makers, washing and cleaning, barbers, hair dressers, and other industries connected with the toilet).
 - Skilled workers,
 - Unskilled workers,
- (vii) Cotton baling and ginning Industry.
 - Skilled workers,
 - Unskilled workers,

- (viii) Textile industry
Skilled workers,
Unskilled workers,
- (ix) Oilseed or Oil Industry
Skilled workers,
Unskilled workers,
- (x) Cotton-seed Industry
Skilled workers,
Unskilled workers,
- (xi) Soap making Industry
Skilled workers,
Unskilled workers,
- (xii) Building Industry (Lime burners, cement workers, excavators and well sinkers, stone cutters and dressers, brick layers and masons, builders, painters, decorators of houses, tilers, plumbers).
Skilled workers,
Unskilled workers,
- (xiii) Construction of means of transport.
 - (a) Persons engaged in making, assembling or repairing motor vehicles, cycles, tram-cars, etc.
Skilled workers,
Unskilled workers,
 - (b) Others (carriage, carts, palki makers, wheel-wrights, ship, boat, aeroplane builders).
Skilled workers,
Unskilled workers,
- (xiv) Production and transmission of physical forces, (Heat, light, electricity, motive power, etc., gas works and electric lights and power).
Skilled workers,
Unskilled workers,
- (xv) Other Industries (hides, skins, etc., furniture, printers, engravers, book-binders makers of musical instruments, clocks, jewellery and other miscellaneous industries, except scavenging).
Skilled workers,
Unskilled workers,
- (xvi) Sweepers and scavengers.

IV.—TRANSPORT

- (1) Transport by water—(a) Ship-owners, boat owners and their employees, officers, mariners, ship brokers, boat men, towmen and persons employed in harbours, docks, rivers and canals including pilots, other than labourers.
Skilled workers,
Unskilled workers,
- (b) Labourers employed on harbours, docks, rivers and canals.
 - (i) Stevedores, coolies, cargo boatmen, paddy gig men who are directly engaged or discharging cargoes into or out of vessels in the port, either in the midstream or at the wharf.
 - (ii) Labourers engaged in handling cargoes on public and private wharfs, jetties or landing stages.
 - (iii) Labourers engaged in handling goods on public or private sheds, warehouses and godowns.
 - (iv) Labourers engaged in moving goods from wharves and warehouses to and from places beyond the limits of the port.
- (2) Transport by road, (a) Persons, other than labourers, employed on the construction and maintenance of roads and bridges, owners, managers and employees connected with mechanically driven and other vehicles, palki, etc., bearers and owners, pack elephant, camel, mule, ass and bullock owners and drivers.
Skilled workers,
Unskilled workers,
- (b) Labours employed on roads and bridges.
- (c) Other labourers.
- (3) Transport by rail—(a) Railway employees of all kinds other than doctors, police, postal service, labourers and sweepers.
- (b) Labourers of all kinds associated with railways.
- (4) Others—(Persons connected with aerodrome and aeroplanes, post office, telegraph and telephone service, etc.),
Skilled workers,
Unskilled workers,

V. TRADE

- (i) Banks, establishments of credit, exchange and Insurance.
- (ii) Trade in Textiles.
- (iii) Hotels, cafes and restaurants, etc.,
 - (a) Owners and managers of hotels, cookshops, etc., and employees.
 - (b) Hawkers of drink and food stuffs.
 - (c) Others.
- (iv) Other trade in food stuffs.
 - (a) Grain and pulse dealers.
 - (b) Dealers in other foodstuffs.
- (v) Other traders.

VI. PUBLIC ADMINISTRATION

- (1) Police.
- (2) Service of the State.
- (3) Other services (Municipal and other local services, Village officials, etc.),

VII. PROFESSIONS AND LIBERAL ARTS

- (1) Law (Lawyers of all kinds, including qazis, law agents, Lawyers' clerks, petition writers, etc.),
- (2) Medicine (Registered Medical Practitioners, other persons practising the healing arts, dentists, midwives, vaccinators, compounders, nurses, veterinary surgeons, etc.)
- (3) Instrucons—Professors and teachers of all kinds, clerks and servants connected with education.
- (4) Others (Priests, ministers and religious workers, public scribes, architects, surveyors, authors, editors, artists, sculptors, scientists, astrologers, musicians, conjurors, acrobats, etc.).

VIII. MISCELLANEOUS

- (i) Domestic service.
- (ii) Beggars and vagrants.
- (iii) Others.

Prof. N. G. Banga: Our information is that a large number of Burma refugee labourers from Vizagapatam district have already been taken over to Burma through the medium of a number of contractors and other people. Have Government received no such information at all?

Mr. E. N. Banerjee: We have had complaints from the Honourable Member in the past and we are looking into the matter carefully and investigating it.

Shri Sri Prakasa: Will Government help such persons to go back to Burma, whose wives and children are still there and who are anxious to go back?

Mr. E. N. Banerjee: Oh, yes. The Honourable Member may refer to the statement which I have made in my reply to part (e) of the question.

Mr. Manu Subedar: Have Government received a representation from the Indian Merchants' Chamber this morning giving particulars of the difficulties brought in the way of Indians going from here merely on account of the arrangement with the Burma Government? Why are Government so solicitous regarding the availability of accommodation, etc.? Why not leave this matter to the merchants themselves if they went there?

Mr. E. N. Banerjee: I have not received any representation but I know that certain decisions have been taken by the Government of Burma. I do not agree that they are intended to make it difficult for the Burma Indian commercial houses to send their representatives back to Burma.

Mr. Manu Subedar: This is the reply which the Honourable Member has given us in this House since the beginning of this session. May I know what further steps Government have taken in order to reduce the rigour of the understanding which they have reached with the Burma Government, that the Burma Government will decide who is to enter Burma. Have this Government represented to the Burma Government that those who have got properties, those who have got assets in Burma should be given absolute preference and the Burma Government shall create no difficulties in their way?

Mr. R. N. Banerjee: In deciding the order of priority for the return of the various classes of evacuees the Government of India must also have a say. We have consulted all leading representatives of Burma Indians and we have drawn up an order of priority which has the full approval of the representatives of the Burma Indian organisations. We are doing our best to regulate the return in accordance with that. At the moment, I can assure the Honourable Member, we have got actually everything ready for obtaining shipping facilities, etc., for the return of quite a large number of representatives of business houses, certain replacements of staff of business houses and also certain other persons who have left properties there and whose return to Burma is considered desirable. It has been in accordance with the understanding to which I made reference that the Government of Burma have agreed to this.

Prof. N. G. Ranga: In fixing these priorities, are Government considering the claims of the Burma Refugee labour also to go back to Burma?

Mr. R. N. Banerjee: Yes, Sir.

Prof. N. G. Ranga: Will Government provide the necessary facilities for those who are interested in the welfare of Burma Refugee Labour to go to Burma and stay there at their own cost if necessary?

Mr. R. N. Banerjee: The suggestion will be considered.

Mr. K. O. Neogy: Will the Honourable Member please indicate the considerations that actually determine the priority that he has mentioned?

Mr. R. N. Banerjee: Generally, Sir, we give priority No. 1 to all those classes whose return is considered urgently necessary by the Government of Burma in order to further their programme of reconstruction of the country. Subject to that general principle, those Indians who have no home in India and for whom Burma is the only home are given priority No. 1. Next to that, Indians who have left properties behind in Burma; thereafter would come the commercial and professional classes. This is the general principle on which we have decided priority.

Mr. Manu Subedar: May I know why it has taken all these months for the Government to come to a decision about priority even though the civil administration was established long ago? May I know whether these priorities are merely on paper or shall we get on the move?

Mr. R. N. Banerjee: The priorities were decided eight or ten months ago. Speaking from memory the Civil Government went there only in October 1945. We have been very much handicapped by the lack of shipping facilities and also by the fact that accommodation and other local facilities are extremely limited in Burma. Even Burma Indian representatives who have been visiting Burma come and tell us that conditions are really very bad and that it would not be in the interest of the evacuees themselves to return there in large numbers without sufficient notice to the Government of Burma.

Mr. Manu Subedar: Why are Government so very solicitous of the conditions of particularly businessmen to which I referred? Why don't you leave them to find their own facilities and on this condition, will you give the immediate facilities to return to take care of the properties which they have left in Burma?

Mr. R. N. Banerjee: I am prepared to do that, Sir, but I hope it will be admitted that in a matter of this kind, we cannot adopt a one-sided programme. As far as possible, it would be wise for us to act in consultation with the Government of Burma. Apart from that, if a very large number of people do return, in the existing circumstances, there is every risk of local lawless elements turning against Indians. As the Honourable Member is aware, there has been a case of a distinguished Indian being assassinated in Burma.

Seth Govind Das: Has the Government of Burma any objection for businessmen returning to Burma, if they want to do so at their own expense and at their own risk?

Mr. E. N. Banerjee: No, Sir, they have no such objection.

Mr. K. O. Neogy: Will the Honourable Member please state whether there is any embargo either temporary or permanent in character contemplated in the matter of return of any category of these evacuees?

Mr. E. N. Banerjee: No, Sir.

TRANSFER OF HEADQUARTERS OF ARCHAEOLOGY AND EPIGRAPHY SECTION FROM OOTY TO MADRAS

267. *Prof. N. G. Ranga: Will the Education Secretary please state:

(a) whether it is a fact that the headquarters of the Archaeology and Epigraphy Section for South India has been located at Ooty;

(b) whether it is not a fact that there has been a demand on the part of the public voiced over a number of years both in this House as well as outside, to transfer it to Madras, the centre for places of archaeological interest in South India;

(c) whether it is also a fact that Government have promised to consider this favourably;

(d) why this has not been so far transferred to Madras; and

(e) whether it is a fact that Government propose to shift this office also to the far off Simla?

Dr. John Sargent: (a) The headquarters of the Southern Circle of the Archaeological Survey of India are located at Madras and not at Ootacamund. The headquarters of the Epigraphical Branch of the Survey are at present located at Ootacamund.

(b) to (d). So far as is known, only one request has been received from the public for the transfer of the Epigraphical Branch from Ootacamund to Madras. On the other hand, it has long been recognised by the Archaeological Survey itself that the headquarters of this Branch should be situated at Madras, but owing to dearth of suitable accommodation in Madras, the Branch could not be transferred to that place. The Government of India propose to construct buildings for its Offices in Madras and the question of transferring the Epigraphical Branch to Madras will be considered as soon as the buildings are ready.

(e) No.

INCREASE IN CARRIAGE OF GOODS BY SEA

268. *Mr. Manu Subedar: (a) In view of the fact that the pressure on the Railways is still heavy, what arrangements has the Honourable the Commerce Member made to increase carriage of goods by sea?

(b) What progress has been made with regard to the additional construction in India and what tonnage is expected to be built during 1946-47?

(c) At how many places are ships being constructed and of what size and by whom?

The Honourable Dr. Sir M. Azizul Huque: (a) With a view to augmenting the carrying capacity of the coastal fleet, Government have been arranging for the release, as early as possible, of ships on the Indian Register which were requisitioned for war purposes.

During the war steps were taken to divert traffic from the railways to the sea by various means and mainly by bans on certain rail movements, and by a scheme of equalisation of transport charges by steamer and rail. These measures, along with the control of coastal shipping to ensure satisfactory movement of essential cargoes, and the country craft organisation employed to secure increased use of country craft, will be continued till the transport situation improves.

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

Mr. Manu Subedar: May I know whether the contemplated controls do not imply restriction in shipping? May I know whether the Government have considered this, that if controls are abolished the trade would find its own facilities?

The Honourable Dr. Sir M. Azizul Huque: It is not exactly that; control exists, but it is a question of relaxing control which we are trying to do as soon as possible.

Mr. Manu Subedar: How soon?

The Honourable Dr. Sir M. Azizul Huque: There are so many factors to be taken note of, the question of opening certain places, the question of proper service in those places which are occupied by the military parties, all these questions are to be gone into.

Sri M. Ananthasayanam Ayyangar: May I know if Government have received representations from country crafts owners in Mangalore that a number of restrictions have been imposed upon them, that they have been asked to execute bonds for safe delivery of cargo and that these restrictions are standing in the way of free carriage of cargoes along the coast?

The Honourable Dr. Sir M. Azizul Huque: I have not just heard of it, because the actual transport part of it is in charge of another Department. If my Honourable friend will give me the actual route, I will try to find out.

Sri M. Ananthasayanam Ayyangar: Has not my Honourable friend Mr. Karunakara Menon made representations to the Honourable Member himself in regard to this matter?

The Honourable Dr. Sir M. Azizul Huque: I have been receiving for some time past a number of representations, I have not yet been able to get replies to all of them. If representation has already been made as suggested by the Honourable Member, then I have already taken steps to get replies. I shall certainly send a reply when received.

Prof. N. G. Ranga: Are any definite steps being taken by Government to encourage the development of country crafts?

The Honourable Dr. Sir M. Azizul Huque: That is being done in the Planning and Development Department.

Prof. N. G. Ranga: Are any steps being taken now by the Government, apart from mere planning?

The Honourable Dr. Sir M. Azizul Huque: Our whole effort is to see that coastal traffic improves in the country.

Mr. Manu Subedar: With reference to part (c) the Honourable Member said he is collecting information. May I know whether the Government have taken any steps or continued the steps which they took during the war, for stimulating ship building in this country and whether it is not true that after the war, materials would be more readily available now if the Government pursued the same policy?

The Honourable Dr. Sir M. Azizul Huque: Yes, Sir. We are awaiting the report both of the Shipping Policy Committee on the one side and of the Planning Committee on the other and the question of shipbuilding is not such an easy matter as my Honourable friend seems to think that it can be easily done. We are really behind it.

CONTROL OF SHIPPING IN INDIAN WATERS

269. ***Mr. Manu Subedar:** (a) Will the Honourable the Commerce Member please state whether the control of shipping in Indian waters is still with the Ministry of War Transport representatives, or whether the Government of India have taken it over?

(b) What steps have been taken to bring down in the interest of the consumers of commodities the freight rates, which were fixed during the war period?

(c) What plan or programme have the Government got to increase tonnage to meet the increased traffic between India and the neighbouring countries in the Indian Ocean in the west, and Burma and other neighbouring countries in the east?

The Honourable Dr. Sir M. Azizul Huque: (a) The attention of the Honourable Member is invited to the reply given by me to part (d) of his starred question No. 19, on the 5th February 1946, from which it will be seen that only ships on the British Register are controlled by the Ministry of War Transport.

(b) Freight rates were not controlled by Government except for a very short period in 1940. Freight rates during the war were high in keeping with the general rise in price level and wages, and although hostilities have ceased, the cost of operating a ship has not fallen appreciably except in regard to war risks insurance rates which, however, constitute only a minor item in the freight structure. Wages, and cost of fuel, repairs, etc., continue to be high. Government, however, hope that freight rates will be reduced as operating costs come down.

(c) Government will take all such measures as are open to them to ensure the provision of adequate tonnage in the trades mentioned.

Mr. Manu Subedar: When will the Ministry of War Transport in Indian waters definitely cease to operate and when will the Government of India take complete control of the ships doing coastal business?

The Honourable Dr. Sir M. Azizul Huque: As regards Ministry of War Transport in India, it should be addressed to the Honourable Member for War Transport; as regards the other part, I want notice.

Prof. N. G. Ranga: Is it not a fact that one of the reasons why freight rates are so high is the imposition of a high indemnity bond stamp duty to be paid by every shipper for every consignment?

The Honourable Dr. Sir M. Azizul Huque: I am not aware of it.

Mr. Manu Subedar: With regard to (c), the Honourable Member has not replied as to what plans or programme the Government have to increase tonnage to meet the increased traffic between India and the neighbouring countries in the Indian Ocean and Burma and other countries in the East?

The Honourable Dr. Sir M. Azizul Huque: All these matters are being considered but my friend should know that there are insistent voices on the other side, from the neighbouring benches, saying that we should have no export. You cannot increase tonnage if there is to be no export.

Prof. N. G. Ranga: Will Government inquire into the matter?

The Honourable Dr. Sir M. Azizul Huque: Yes, we are trying to do our best.

Mr. Manu Subedar: Sir, a little while ago, the Honourable Secretary of the Commonwealth Relations Department said that there were shipping difficulties in connection with sending people to Burma. If the shipping difficulties were so acute, may I not enquire what steps Government are taking to increase shipping in Eastern waters?

The Honourable Dr. Sir M. Azizul Huque: My friend is speaking as though we are still in the midst of war. Since the war time terminated, the situation has gradually become better and better and I think there must be a time lag between the actual cessation of hostilities and the time when normal state of things can be resumed. Tonnage does not mean only tonnage for the purpose of sending men. Trade forms a very important part of it and it is with reference to the trade that this question is being examined.

Mr. Manu Subedar: I am sorry to persist in my question. I would like to know what steps the Government of India have taken to increase the tonnage for trade in the Indian waters.

The Honourable Dr. Sir M. Azizul Huque: I want notice of the question.

Mr. Manu Subedar: The question is already there in part (c).

Mr. President: As regards the specific steps, the Honourable Member wants notice.

The Honourable Dr. Sir M. Azizul Huque: In fact, I have answered that question a few days before.

STEAMERS ON COASTAL TRADE OF INDIA

270. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state how many steamers were taken during the war from companies which were registered in India, or who were carrying on the coastal trade of India, and how many of them have been returned?

(b) What arrangements have Government made for increasing the tonnage in the Indian waters:

(i) by permitting companies to make purchases abroad;

(ii) by pressing for India's claim for a substantial portion of enemy merchants ships, which fell into the hands of the Allied Governments; and

(iii) by negotiation for purchase with the U.S.A., who are reported to have an enormous surplus?

The Honourable Dr. Sir M. Azizul Huque: (a) Fifty seven sea-going steamers of Indian registry were requisitioned. Of these 10 were lost by war or marine risk while under requisition; 33 were returned to the owners, and 14 are still under requisition.

(b) (i) Government's permission is not required for the purchase of ships abroad by companies. Government are, however, giving all practicable assistance to companies in making such purchases.

(ii) A claim on behalf of India for a share in the German merchant navy was pressed at the German Reparations Conference in Paris last November. A similar claim will be made in regard to Japanese ships in connection with the Japanese reparations.

(iii) According to information at my disposal the plans of the United States of America for the disposal of their surplus tonnage do not appear yet to have been finalised. When ships of that country actually become available for sale it would be for intending purchasers to negotiate direct with ship-owners in America. The Government of India would, however, be glad to consider any request for assistance from such purchasers.

Mr. Manu Subedar: What was the result of the effort of the Government of India to get a portion of the merchant navy of Germany as part of the reparations?

The Honourable Dr. Sir M. Azizul Huque: We pressed our claim along with others who pressed their claims. It was decided at the Conference that the German merchant navy available for distribution among the countries entitled to reparations should be distributed in proportion to the losses of merchant ships suffered by the respective countries through German action. So far as losses of India are concerned, they are negligible and therefore we are not certain what we will get.

Mr. Manu Subedar: In other words, we have failed to get anything from that direction.

The Honourable Dr. Sir M. Azizul Huque: In spite of the fact that the losses of India are negligible, even if I give him delegation power, how can my Honourable friend ask 'Although I have not lost any ship, still I must have my share'?

Mr. Manu Subedar: With regard to the 14 which are still under requisition, may I know if these cannot be released for the civil population straight away. May I know whether they are so very important for the military goods movement that the civil population should still continue to be deprived of their use?

The Honourable Dr. Sir M. Azisul Huque: I am not yet certain about the position. My impression is that a number of the ships are actually in service for the purpose of supplying the essential requirements of India but there are certainly some ships which are requisitioned for defence purposes. We are actively pursuing this and we are trying our best to de-requisition these as soon as possible.

COMPARATIVE RISE OF PRICES IN INDIA AND ENGLAND

271. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state how many index numbers are maintained by the Government of India and on what basis?

(b) Is it a fact that the prices, on which these index numbers are based, are those fixed by Government?

(c) Is it a fact that the civil population was unable generally to secure material at these prices beyond the meagre ration, or had to pay heavier prices at the black market?

(d) Will Government give the comparative rise of prices in India and in the United Kingdom?

(e) Have Government considered, and do they propose to give causes why the rise of prices in India has been very much heavier, and why India is a country suffering from very heavy inflation?

The Honourable Dr. Sir M. Azisul Huque: (a) 55 series of index numbers are maintained by the Government of India. Price indices are based on quotations from selected centres and profit indices on balance sheets of companies. Index numbers for declared values of imports and exports are based on returns received from Collectors of Customs.

(b) No, Sir. They are based on prevalent market rates reported to Government by Chambers of Commerce or similar bodies.

(c) Government have no reason to believe that the public have generally found it necessary to pay more than the controlled prices for their essential or rationed requirements.

(d) Between August 1939 and October 1945, wholesale prices in London as measured by the Board of Trade Index Numbers rose by 78 per cent. while during the same period wholesale prices in India as measured by the Economic Adviser's Index for all commodities rose by 144 per cent.

(e) The answer to the first part of the question is in the affirmative. As regards the second part, the relatively greater rise in prices in India has been due to a variety of factors which it would be impossible to explain briefly in an answer to a question. Reference is, however, invited to paragraphs 45 and 46 of Sir Jeremy Raisman's Budget speech in this House, on the 29th February 1944.

Mr. Manu Subedar: Since that Budget speech to which the Honourable Member has referred, twelve months have passed and in view of the distress to all classes whose incomes are fixed, in view of the very serious distress experienced by all including Government servants, will Government make an effort to bring down these prices?

The Honourable Dr. Sir M. Azisul Huque: I am answering the question on the pure economic plan as to what are the index figures but if my friend wants to put a general question, it will have to be addressed to the different Departments on different specific matters. Government has been pursuing a policy of stabilising prices as soon as possible.

Seth Govind Das: With respect to clause (c) of the question, does the Government think that the people get things in the black market at less price?

The Honourable Dr. Sir M. Azisul Huque: My friend is probably more aware of the black market than myself.

PURCHASES BY U. K. C. C. IN INDIA

272. *Mr. Manu Subedar: (a) Has the Honourable the Commerce Member got a complete statement of the purchases made by the U.K.C.C. in this country since the beginning of their operations? If so, what is the total value?

(b) Is it a fact that the operations of the U.K.C.C. were responsible for increasing the evils of inflation in India?

(c) Have Government asked for any share of the profits made by the U.K.C.C. in India, having regard to the special facilities given by Government to the U.K.C.C. to carry on their business in India?

The Honourable Dr. Sir M. Azizul Huque: (a) Yes, Sir. The total value is Rs. 18 crores 31 lakhs.

(b) No, Sir.

(c) The Honourable Member's attention is invited to the reply given on the 7th November 1944, to parts (b), (c) and (d) of his Starred Question No. 148.

Mr. Manu Subedar: What were the special facilities given to the U.K.C.C.?

The Honourable Dr. Sir M. Azizul Huque: My friend has assumed that special facilities have been given and has asked as to what are those facilities.

Mr. Manu Subedar: I want to know from my Honourable friend whether import and export licenses were not freely given to the U.K.C.C., whether wagon priorities were not freely given to them; whether exemptions from certain taxes were not given to them. What were the other facilities, if any? Will not my friend make an effort, if not now, later in the session, to give me a clear statement as to what were the facilities given to the U.K.C.C.?

The Honourable Dr. Sir M. Azizul Huque: Sir, I would rather like notice of this question as to what facilities they had. That will require an investigation from different Departments but here I am answering a question in which he has himself assumed that they received special facilities.

Mr. Manu Subedar: In view of the fact that this U.K.C.C. was a Corporation belonging to His Majesty's Government and it involves State trading which is liable to taxes in this country, may I not enquire whether Government has claimed any share of the profits from the U.K.C.C.?

The Honourable Dr. Sir M. Azizul Huque: As regards taxes, it is not for me to answer this question. It should be addressed to the proper quarters. As regards the profits, I did answer that we were not aware of the big profits that the U.K.C.C. made.

Mr. Manu Subedar: Have not Government been aware that things like sugar, paper, chemicals, and medicine purchased by the U.K.C.C. in this country were sold elsewhere five and ten times the price, such as tea, sugar, etc., which they bought here, and why has this profit which belongs to India been permitted by this Government to go to a foreign Corporation.

The Honourable Dr. Sir M. Azizul Huque: My friend assumes that there was a profit. I am not aware of this and to end all these discussions and criticisms, I had a conference in Bombay in which the representatives of the Chambers of Commerce were present and there I was supplied all facts which did not show that heavy profits were made.

Mr. Manu Subedar: The facts are not in India; but from the Middle East countries where the U.K.C.C. sent out these goods, it was for the Government of this country to ascertain the facts as I am mentioning them. It is still for my Honourable friend to ascertain whether the U.K.C.C. did not sell tea and sugar in Persia and other Middle East countries at five and ten times the price they purchased here, and if all that was profit, why has Government neglected the opportunity of sharing in that profit.

The Honourable Dr. Sir M. Azizul Huque: I am not aware of them and my friend puts the question about the extent of profit the U.K.C.C. made in sugar and tea. I will certainly try and give an answer after collecting the facts.

REPORT OF MICA ENQUIRY COMMITTEE.

273. *Shri Satya Narayan Sinha: (a) Will the Honourable the Labour Member be pleased to state if he has received the report of the Mica Enquiry Committee presided over by Mr. Justice Reuben?

(b) Is it a fact that the Committee have recommended that the ban on the sale of crude and Bima Mica under the Mica Control Order should be modified if not altogether lifted?

(c) Are Government aware that the present ban on the sale of crude and Bima Mica has led to the unemployment of several lakhs of mica labourers?

(d) When do Government contemplate to lift the ban on the sale of crude and Bima Mica?

(e) When do they intend to publish the report of the Committee?

Mr. S. C. Joshi: (a) Yes.

(b) Yes.

(c) No.

(d) The question needs examination in the light of Mica Enquiry Committee's report.

(e) Matter is under consideration, but the report will be published as soon as copies are printed.

Prof. N. G. Ranga: Are we to understand from the answer to part (c) of this question that several lakhs of Mica labourers are unemployed?

Mr. S. C. Joshi: We have no information that they are unemployed.

Babu Ram Narayan Singh: In view of the fact that as a result of the Mica Control Order several lakhs of people have been thrown out of employment, may I know in whose interest Government intend to regulate the Mica trade?

Mr. S. C. Joshi: We have no information as to the number of people thrown out of employment. The only persons likely to be affected were the small traders. But it was expected that most of them would have found employment elsewhere.

Prof. N. G. Ranga: Has Government done anything to help this Mica industry?

Mr. S. C. Joshi: Government is doing.

Prof. N. G. Ranga: What is it?

Mr. S. C. Joshi: That is now under consideration and steps will be taken in the light of the recommendations made by the Committee.

Prof. N. G. Ranga: Does it not mean that Government has not been doing anything till now? They have now appointed a committee and awaiting its report.

Mr. President: Order, order.

Babu Ram Narayan Singh: What is the underlying policy of Government in regard to the Mica Trade?

Mr. S. C. Joshi: It is broad a question to be answered as supplementary.

Babu Ram Narayan Singh: Isn't it a fact that in this Mica business the Government of India is playing into the hands of one Mr. Watson, the Manager of the American Christian Company of Panama?

Mr. S. C. Joshi: I have no information.

Mr. President: Next question.

Mr. Geoffrey W. Tyson: Will the Government make enquiries whether the company referred to has not been sold to Indian interests?

Mr. S. C. Joshi: Enquiries will be made.

ECONOMIC SANCTIONS AGAINST SOUTH AFRICA.

274. *Seth Govind Das (on behalf of **Maharajkumar Dr. Sir Vijaya Ananda**): Will the Secretary, Commonwealth Relations Department be pleased to state if it is a fact that Mr. Amery, the former Secretary of State for India, prevented the Indian Government from imposing economic sanctions against South Africa?

Mr. R. N. Banerjee: No.

(Several Honourable Members raised their voices at the answer "No.")

Mr. President: Order, order.

Seth Govind Das: Does the Honourable Member deny that no communication has been received by the Government of India from the Secretary of State?

Mr. R. N. Banerjee: That is quite a different question. The question is whether the Secretary of State asked us not to enforce sanctions.

Prof. N. G. Ranga: Have you information that the Secretary of State for India has sent a communication to the Government of India that they were contemplating to impose economic sanctions against South Africa?

Mr. R. N. Banerjee: It will not be in the public interest to make any further statement on the subject.

Seth Govind Das: Hear, hear!

Mr. President: Order, order.

DETENTION OF INDIANS FOR COLLABORATION WITH ENEMY

275. *Seth Govind Das: (a) Will the Secretary, Commonwealth Relations Department be pleased to state if it is a fact that a very large number of Indians are behind the bars in Malaya on a charge of collaboration with the enemy?

(b) If the answer to (a) is in the affirmative, what is the number of such persons detained at present?

(c) What facilities are being given to these persons for securing proper legal assistance and getting in touch with their relatives and friends in India?

Mr. R. N. Banerjee: (a) and (b) Our information is that at present 24 Indians are in detention. Out of these two have been convicted of charges of causing hurt with intent to extort confession, five are detained on charges of collaboration and the rest, on charges of collaboration and brutality, torture or cruelty.

(c) The Government of India is providing legal assistance. These persons are allowed to correspond with relatives and friends in India. Local relatives and friends are also allowed to visit them.

Seth Govind Das: How much till now has been spent by the Government of India in giving them legal assistance?

Mr. R. N. Banerjee: I cannot say how much has been spent actually up to date. But as I explained the other day to the House our representative has ample authority to incur any expenditure that he considers necessary and reasonable for giving relief to Indians.

Shri Sri Prakasa: Is it a fact that Government is defending persons in Malaya for just such offences for which they are prosecuting them in India?

Mr. R. N. Banerjee: I am sorry I could not follow the question.

Seth Govind Das: Is it a fact that certain relatives of these people in Malaya who are living in India wanted to go to Malaya and they were not given proper facilities to go there?

Mr. R. N. Banerjee: I have had no such case brought to my notice and there is no reason why it should be so.

Shri Sri Prakasa: I was asking whether it was not a fact that the very offences which the Honourable Member says men in Malaya have committed, for which they are being defended, have been committed by others for which the Government of India is prosecuting them in the Red Fort and elsewhere? How is it that Government defends persons at one place for the very offence for which it prosecutes at another place?

(Mr. P. Mason and Mr. R. N. Banerjee were seen consulting together.)

Shri Sri Prakasa: Let both answer together!

Mr. R. N. Banerjee: That is a remarkable instance of impartiality!

Mr. President: Next question.

SHADOWING OF SUSPECTED PERSONS FOR SO-CALLED COLLABORATION WITH ENEMY.

276. *Seth Govind Das: Will the Secretary, Commonwealth Relations Department please state if it is a fact that in Malaya and Burma persons who had received clear certificates of exoneration from law courts after having been kept confined for a long time for the so-called collaboration with the enemy, continued to be shadowed and suspected and were unable to resume their normal avocations? If so, what were the reasons in general?

Mr. R. N. Banerjee: No such cases have come to our notice.

COLLABORATION WITH ENEMY OF A BRITISH POSTAL OFFICER

277. *Seth Govind Das: (a) Will the Secretary, Commonwealth Relations Department please state if it is a fact that a British Postal Officer was compelled by force of circumstances to organise the Japanese Postal Savings Bank in Malaya and Burma and persuade Indians to put their money in it?

(b) If the answer to (a) is in the affirmative, does this officer stand charged with collaboration with the enemy? Has his case been decided? If so, with what results?

Mr. R. N. Banerjee: (a) and (b) Government have no information but necessary enquiries will be made if the Honourable Member can furnish further details regarding the Officer.

INDIAN LABOURERS FROM BURMA TO SINGAPORE

278. *Seth Govind Das: (a) Will the Secretary, Commonwealth Relations Department please state if it is a fact that the Japanese had taken a very large number of Indian labourers from Burma to Singapore? If so, what was their total number? Out of that how many have returned back, and how many are still missing?

(b) What arrangements have been made or are being made for the families and dependants of the missing Indian labourers who were left at the mercy of the cruel and unscrupulous enemy?

(c) Do the Government of India propose to exercise its influence on the respective Governments of Malaya and Burma for the benefit of their dependants who are victims of dire penury and disease these days?

Mr. R. N. Banerjee: (a) A large number of Indian labourers had been taken by the Japanese from Burma; but no information about their number and subsequent fate is available.

(b) and (c) In Burma, cases deserving of assistance are dealt with by the Labour Welfare Department of the Government of Burma. Indian labourers of any description found in Malaya get the benefit of British Military Administration's relief camps and are given relief from the funds placed by the Government of India at the disposal of their Representative. Our Representatives in both countries are keeping an eye on such cases.

Seth Govind Das: Is it not a fact that the funds which have been kept with representative of the Government of India are very meagre?

Mr. B. N. Banerjee: Not at all. As I explained just now, he has got full discretion to incur any expenditure that he considers necessary and reasonable to grant relief.

(b) WRITTEN ANSWERS

LOSS TO INDIANS IN MALAYA DUE TO CHANGE OF CURRENCY

279. *Seth Govind Das: (a) Is the Secretary, Commonwealth Relations Department aware of the fact that Indians in Malaya have lost very heavily due to the change of currency on two occasions on account of the change of Government?

(b) Have the Governments of Burma and Malaya exchanged or do they propose to exchange the Japanese currency which remained with the Indians in Malaya and Burma after the capture of these places from the hands of the Japanese?

Mr. B. N. Banerjee: (a) Reports have been received that owing to invalidation of the Japanese currency, many Indians in Malaya have been put to loss.

(b) As regards Malaya, the reply is in the negative. Information regarding Burma is being collected and will be furnished when received.

IMPORT OF COSMETICS, ETC., FROM U.S.A.

280. *Mr. Vadilal Lalubhai: (a) Will the Honourable the Commerce Member be pleased to state whether it is a fact that ordinary consumer's goods such as cosmetics, processed foods, etc., are allowed to be imported from the U.S.A. although such goods can easily be imported from the sterling area, and that a very restrictive policy is followed in granting licences for import of plant and machinery from the Dollar Area?

(b) If the reply to (a) is in the affirmative, why is dollar exchange being frittered away in this manner and not being preserved for importing capital goods?

(c) Is it a fact that dollar exchange is not being made available for capital equipment to the extent that it is possible?

The Honourable Dr. Sir M. Azizul Huque: (a) No, Sir. Licences for imports from the United States of America of goods of consumer type as well as of plant and machinery are issued to the extent that is considered essential, having regard to the possibility of supplies from the sterling area and local production. Moreover, in the case of consumer goods the necessity for maintenance of pre-war trade connection is kept in view.

(b) Does not arise.

(c) Dollar exchange for the purpose of capital equipment is being made available as required to satisfy the principles mentioned in (a) above.

PURCHASE OF WHEAT BY UNITED PROVINCES GOVERNMENT

281. *Shri Sri Prakasa: (a) Will the Secretary, Food Department be pleased to state the amount of wheat purchased by the Government of the United Provinces for the year 1945?

(b) When and at what prices was wheat sold at Government Ration shops at various periods of the year?

(c) Was the price increased from time to time?

(d) What was the amount of profit made by Government by the sale of wheat?

Mr. B. R. Sen: An enquiry has been made from the U.P. Government and the information will be laid on the table of the House when received.

PRICE OF WHEAT IN DELHI

282. *Shri Sri Prakasa: (a) Will the Secretary Food Department be pleased to state the price of wheat in Delhi in ordinary Ration Shops and in shops meant for Government Servants?

(b) Has the price of wheat in any of these shops been increased with effect from February 1, 1946? If so, what are the reasons for this increase?

(c) What profit, if any, do the Government of India expect to make by such increase of price?

Mr. B. R. Sen: (a) The retail price of wheat at all ration shops is Rs. 10/15/- per maund. Wheat is, however, sold to Government servants drawing Rs. 800 or less at a concession rate of Rs. 9/8/- per maund, the balance being paid to the retail dealers by Government.

(b) No.

(c) Does not arise.

CENTRAL ADVISORY BOARD OF EDUCATION

283. *Shri Sri Prakasa: (a) Will the Education Secretary be pleased to state the number of times the meetings of the Central Advisory Board of Education are held on an average per year?

(b) When were the meetings of the Central Advisory Board of Education last held?

(c) Did not the dates clash with the opening of the present session of the Assembly?

(d) Were the members of this Assembly, who were members of the Board also, unable to attend it because of this clash?

(e) Will the Department in future, so arrange these meetings, if held outside Delhi, that they do not coincide with the dates of the Assembly?

Dr. John Sargent: (a) One.

(b) On the 24th, 25th and 26th January, 1946.

(c) Yes.

(d) No. With the dissolution of the previous Assembly, the representatives of that body ceased to be members of the Central Advisory Board of Education. The two gentlemen in question were however invited by the Chairman to attend the meeting as observers.

(e) Yes; this is usually done. On the last occasion, the dates were fixed so as to suit the convenience of the Mysore Government whose guests the Board were. At the time, it was hoped that they would not clash with the dates of the Budget Session of this Assembly. When the dates of this Assembly Session were announced the question of changing the dates of the meetings of the Board was carefully considered but it was not found practicable.

ESTABLISHMENT OF CONSULAR AND COMMERCIAL AGENCIES

284. *Sri M. Ananthasayanam Ayyangar: Will the Honourable the Commerce Member please state:

(a) the foreign countries which have consular or commercial agencies in India of any kind;

(b) whether in those countries India is represented officially by any consular or trade or commercial representatives; and

(c) whether Government is considering the question of establishing such agencies in all countries which are represented in India, and in other countries also where it may be possible to do so?

The Honourable Dr. Sir M. Azizul Huque: (a) and (b) A statement showing the foreign countries which have consular or commercial representation in India and those in which India is represented officially by consular or trade representatives is placed on the table.

(c) The reply is in the affirmative.

Statement showing the foreign countries which have consular or commercial representation in India and indicating whether India has arranged for reciprocal representation in those countries.

| Name of the country | Nature of representation | Whether India has reciprocal representation |
|-----------------------------------|---|---|
| Afghanistan | Direct representation | Yes |
| Argentina | Post is vacant | Yes |
| Australia | Direct representation | Yes |
| Belgium | ditto | Yes |
| Bolivia | ditto | Yes |
| Brazil | ditto | Yes |
| Canada | ditto | Yes |
| Ceylon | ditto | Yes |
| China | ditto | Yes |
| Colombia | ditto | Yes |
| Costa Rica | Post is vacant | Yes |
| Cuba | Direct representation | No |
| Czechoslovakia | ditto | No |
| Denmark | Consulate has no official status at present, consular privileges being continued as an act of grace | No No Yes |
| Dominion Republic | Direct representation | No |
| Ecuador | ditto | Yes |
| Egypt | ditto | Yes |
| France | ditto | Yes |
| Greece | ditto | No |
| Hayiti | ditto | No |
| Iran | ditto | Yes |
| Iraq | ditto | Yes |
| Liberia | Post is vacant | No |
| Luxemburg | ditto | Yes |
| Mexico | ditto | No |
| Monaco | ditto | Yes |
| Nepal | Direct representation | Yes |
| Netherland | ditto | Yes |
| Netherlands East Indies | ditto | No |
| Nicaragua | ditto | Yes |
| Norway | ditto | No |
| Panama | American officers are in charge of Panama's interests. | No |
| Poland | Post vacant | No |
| Portugal | Direct representation | Yes |
| Salvador | Post is vaccant | Yes |
| South Africa | Direct representation | Yes |
| Spain | ditto | Yes |
| Sweden | ditto | No |
| Switzerland | ditto | Yes |
| Turkey | ditto | Yes |
| U. K. | ditto | Yes |
| U. S. A. | ditto | Yes |
| U. S. S. R. | ditto | No |
| Uruguay | Post is vacant | Yes |

SHORT NOTICE QUESTION AND ANSWER

PERMISSION TO LADY TILAK TO RETURN FROM BURMA

Sri B. Venkatasubba Reddiar: Will the Secretary for Commonwealth Relations be pleased to state:

12 Noon (a) if the attention of the Government has been drawn to an article under the heading "The Black" and "White Lists" on page 5 of the *Hindustan Times*, dated the 11th February, 1946;

(b) if the Government is aware that the lady (Mrs. Tilak) is actually starving and has none to take care of her in Burma and has no means of maintaining herself; and

(c) if the Government will permit her to come to India and join her husband at a very early date?

Mr. E. N. Banerjee: (a) Yes.

(b) and (c) Our Representative with the Government of Burma has been instructed to take up actively with that Government all cases of stranded Indians anxious to return to India and to secure necessary facilities for them. Government have no information about Mrs. Tilak's condition, but agreed on the 29th December in reply to a reference from the Military Authorities in Burma, to her repatriation in a ship due to sail from Rangoon early in January. They have heard nothing further of her case, and are now instructing their Representative to contact her, give her such assistance as she may require immediately and take action to expedite her return to India.

Sri M. Ananthasayanam Ayyangar: May we know what has happened to the ship?

Mr. E. N. Banerjee: I have no information.

Shri Sri Prakasa: Will Government please state the special circumstances in which Mr. Tilak was brought from Burma to India?

Mr. E. N. Banerjee: I require notice of that question.

Sri M. Ananthasayanam Ayyangar: May we know if the steamer sailed from any of the ports of Burma?

Mr. E. N. Banerjee: I have no further information.

Shri Sri Prakasa: Will Government take proper steps to see that Mrs. Tilak and her baby are provided for till a ship sails?

Mr. E. N. Banerjee: I would refer the Honourable Member to the reply to parts (b) and (c) of the question.

Sri M. Ananthasayanam Ayyangar: May we know if any allowance is being given to her and her child?

Mr. E. N. Banerjee: I have no information.

DECLARATION DIRECTING CERTAIN BUDGET HEADS OF EXPENDITURE OPEN TO DISCUSSION BY THE LEGISLATIVE ASSEMBLY.

Mr. President: I have to inform Honourable Members that His Excellency the Governor General has passed an Order under sub-section (3) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, directing that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, will be open to discussion by the Legislative Assembly when the Budget for the year 1946-47 is under consideration.

APPOINTMENT OF THE HONOURABLE SIR EDWARD BENTHALL TO
PERFORM FUNCTIONS OF THE FINANCE MEMBER AT RAILWAY
BUDGET GENERAL DISCUSSION.

Mr. President: I have also to inform Honourable Members that His Excellency the Governor General has, under rule 2 of the Indian Legislative Rules, been pleased to appoint the Honourable Sir Edward Benthall to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the general discussion appointed for Wednesday, the 20th February, 1946, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR
COMMERCE DEPARTMENT

Mr. President: I have also to inform the Assembly that upto 12 Noon on Monday, the 11th February, 1946, the time fixed for receiving nominations for the Standing Committee for the Department of Commerce, 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 portion of the current financial year and the financial year 1946-47: (1) Mr. E. L. C. Gwilt, (2) Mr. Sukhdev Udhowdas, (3) Mr. Ananda Mohan Poddar, (4) Mr. Krishna Chandra Sharma, (5) Mr. Rohini Kumar Chaudhuri, (6) Rai Bahadur D. M. Bhattacharyya, (7) Captain Sardar Harendra Singh, (8) Mr. Ahmed Ebrahim Haroon Jaffer, (9) Mr. M. J. Jamal Moideen Saib, and (10) Seth Yusuf Abdoola Haroon.

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR
INDUSTRIES AND SUPPLIES DEPARTMENT

Mr. President: I have further to inform the Assembly that upto 12 Noon on Monday, the 11th February, 1946, the time fixed for receiving nominations for the Standing Committee for the Department of Industries and Supplies, 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 portion of the current financial year and the financial year 1946-47: (1) Mr. A. C. Inskip, (2) Mr. T. A. Ramalingam Chettiar, (3) Mr. Vadilal Lallubhai, (4) Mr. Gauri Shankar Saran Singh, (5) Mr. Manu Subedar, (6) Rai Bahadur D. M. Bhattacharyya, (7) Lt.-Col. Dr. J. C. Chatterjee, (8) Khari Bahadur Hafiz M. Ghazanfarulla, (9) Mr. Ali Asghar Khan, and (10) Shaikh Rafiuddin Ahmad Siddiquee.

Sir Gurnath Bewoor (Secretary, Posts and Air Department): Sir, in the course of replies to supplementary questions yesterday, I made a statement with regard to the alleged notice of strike given by the All India Union of Postmen and Lower Grade Staff. I then stated that the Director General had not yet received any such notice. That statement was strictly correct at the time I made it; but I subsequently came to learn that at 12-30 P.M., the Director General had received by post a communication from Bombay, dated the 12th February—a communication purporting to be a notice of strike under Rule 81A of the Defence of India Rules and under section 15 of the Trade

[Sir Gurunath Bewoor.]

Disputes Act. I am taking the earliest opportunity of removing any wrong impression that may have been created in this House that no notice had been received. We are taking the necessary action in that connection, but I think it my duty to inform the House of the facts of the case.

Srijut Dharendra Kanta Lahiri Choudhury (Bengal: Landholders): I just want to know if the strike notice, which was received by the Director General was from the All India Postal and R.M.S. and Telegraph Union or from the Bombay branch or what. The Honourable Member has not informed us of that fact.

Sh Gurunath Bewoor: The notice is sent by the General Secretary, and purports to be from the All India Postmen and Lower grade Staff Union. Bombay is its headquarters but it is in an all-India union.

ELECTION OF MEMBERS TO ALL-INDIA COUNCIL FOR TECHNICAL EDUCATION

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

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own number to be members of the All-India Council for Technical Education constituted by the Government of India."

Perhaps since this is a new body on which this House has not previously been asked to appoint any representatives, you will allow me to say a word or two in explanation of its aims and objects.

This Council has been constituted by the Government of India at the end of last year in view of the recommendation contained in the plan prepared by the Central Advisory Board of Education for Post War Development in education, that there ought to be an All-India body capable of surveying the needs of the country as a whole for advanced technical education and for advising the Central Government and Provincial Governments, universities and other bodies responsible for this branch of education as to the best way of satisfying those needs. The Council has not yet met, but we hope it will meet in the very near future. In fact it would have met before now, but we have had to wait for the appointment of representatives of this House upon it. I should be delighted to give any further information about the constitution of the Council. What of course the council will be able to achieve is all in the future at the moment.

Mr. President: Motion moved.

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own number to be members of the All-India Council for Technical Education constituted by the Government of India."

Mr. President: To this motion there is one amendment by two different Members—Mr. Sinha and Prof. Ranga. I am afraid the amendment will not be in order for the simple reason that this is not a committee of the House, but a committee which, as the Honourable the Education Secretary has stated just now, constituted by the Government of India; and the constitution of the committee is prescribed by some notification of the Government of India; further, the committee consists of various representatives from other bodies. So long as that constitution and the notification stand, the number of representatives from this House

Prof. N. G. Ranga (Guntur cum Nellore Non-Muhammadan Rural): Sir, I submit

Mr. President: The Honourable Member will first please try to understand the point which I am placing before the House and then I am prepared to hear him and any other Member on the subject. But I do not think the point need

take long at all. The long and short of it is that, the committee is constituted by an independent authority; and on that committee, representation is given to this House to the extent of two Members. Therefore the only thing that this House can do, at this stage, will be to elect two representatives as provided for by the constitution of that committee. If they want a change in the constitution of the committee, then that constitution will have to be altered and the proper procedure will be a motion for a recommendation to the Government of India to change the constitution of the committee. That is how, I believe, the position stands. Therefore, the amendment to increase the membership from two to five will not be in order. That is what I feel, but with a view to enable Members to have their say on this subject, I do not declare it just now as being out of order. Is that the position?

Dr. John Sargent: Sir, I am afraid as a very young member of this Honourable House I cannot speak with any authority on procedure, but the difficulty which you have stated is correct.

Mr. President: What I want to know from the Honourable Member is whether this committee is constituted by the Government of India.

Dr. John Sargent: Yes, Sir.

Mr. President: . . . and whether it is constituted by a separate notification. Will he please read the notification or tell the House the constitution of the committee?

Dr. John Sargent: I do not think I need read out the whole of the notification. In the notification it is stated 'that the council will contain two Members of the Legislative Assembly, elected by the Legislative Assembly'. I may say that I should be glad if the difficulty can be got over as we are most anxious to enlist the interest of this House in education. If there had been no technical difficulty, I would have gladly accepted the amendment.

Mr. President: It is not the question of willingness or otherwise of the Government; it is a question of procedure.

Mr. M. Asaf Ali (Delhi: General): I am very glad, Sir, that you have clarified the position as far as your interpretation of the constitution is concerned. But it appears that my Honourable friend, Dr. John Sargent, who represents the Education Department in this House is not unwilling to consider the recommendation of this House, and even if there were any technical difficulty in the way, the amendment, which is now proposed, should be considered in order that it may have the effect of making a recommendation to the appropriate authority to reconsider the situation and change the rules if necessary. After all it is but only proper that when a proposition comes before this House, this House should express its wishes in whatever manner it feels it should. If your interpretation is correct, Sir, we may not be in a position immediately to add two or three more members to the constitution of the committee, but it will remain on record and if it remains on record it is quite possible that within a short time we may find that the authorities concerned have reconsidered the position and the whole situation has changed, and to that extent I feel that the amendment which has been proposed should not be ruled out of order.

Mr. President: I am afraid I am not able to agree with the Honourable the Deputy Leader, that the amendment should be permitted. The House will get an opportunity of expressing its views when the motion is being discussed, but there is a shorter procedure to attain the objective. As the Honourable the Education Secretary has expressed his willingness to have five members, the present motion, as also the next motion, may stand over for the time being, the notification may be revised in the meanwhile, and then the motion may come in and the amendment permitted. That will be the best course, I think.

Dr. John Sargent: I welcome that suggestion, Sir.

Mr. President: Then consideration of the motion which has been moved is postponed. The next motion will be moved later on and not now.

FACTORIES (AMENDMENT) BILL

Mr. S. C. Joshi (Government of India: Nominated Official): Sir, I move for leave to introduce a Bill further to amend the Factories Act, 1934.

Mr. President: The question is:

"That leave be granted to introduce a Bill further to amend the Factories Act, 1934."

The motion was adopted.

Mr. S. C. Joshi: Sir, I introduce the Bill.

TRANSFER OF PROPERTY AND SUCCESSION (AMENDMENT) BILL

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

"That the Bill further to amend the Transfer of Property Act, 1882, the Hindu Disposition of Property Act, 1916, and the Indian Succession Act, 1925, be taken into consideration."

Honourable Members have, I believe, read the Statement of Objects and Reasons which sets out briefly the case for the Bill. Section 113 of the Indian Succession Act provides that where a bequest is made to a person not in existence at the time of the testator's death, subject to a prior bequest contained in the will, the later bequest shall be void unless it comprises the whole of the remaining interest of the testator in the thing bequeathed.

In relation to transfers, a similar provision is contained in Section 13 of the Transfer of Property Act, 1882. Before the decision of the Privy Council in *Sopher v The Administrator General of Bengal*, to which reference has been made in the Statement of Objects and Reasons, section 13 of the Transfer of Property Act and section 113 of the Indian Succession Act were construed by the legal profession in India, particularly in the Presidency towns, to mean that an interest created in favour of an unborn person must, at the date it rests in such unborn person, be the whole remaining interest of the settlor or the testator. According to this construction, trusts were created and wills made giving a life estate to a child in existence and on the death of such child giving the corpus of the estate to the children of such child, who at the date of the settlement or the death of the testator may be unborn and who may survive the life tenant. The judgment of the Privy Council in *Sopher's case* was passed on the 8th March 1944 and the Privy Council laid down that if under a bequest in the circumstances mentioned in Section 113 of the Indian Succession Act there is a possibility of the interest given to a beneficiary being defeated either by a contingency or by a clause of defeasance, the beneficiary under the later bequest does not receive the interest bequeathed in the same unfettered form as that in which the testator held it and the bequest to him does not therefore comprise the whole of the remaining interest of the testator in the thing bequeathed.

I need not trouble the House with the facts of that particular case in detail. But I will read a portion from the head note of the case reported in 71 Indian Appeals at page 93.

"Accordingly, where, on the construction of a will, bequests of income of the residuary estate to unborn grandchildren of the testator during his widow's life-time were contingent on their surviving their fathers, to whom prior bequests of the income had been made, and subsequent bequests to the unborn grandchildren after the widow's death of the corpus of the residuary estate were subject to the double contingency of their attaining the age of eighteen years and of also surviving their fathers the bequests to the unborn grandchildren were void under section 113 of the Indian Succession Act since they did not comprise all the interest of the testator in the thing bequeathed".

Honourable Members will note that the Privy Council were giving an interpretation or meaning to the words "the whole of the remaining interests of the testator in the thing bequeathed". After the Privy Council judgment, the Bombay High Court has had occasion to consider Section 113 of the Indian Succession Act and Section 13 of the Transfer of Property Act: and the Bombay High Court has construed the decision of the Privy Council in a manner which makes creation of trusts in favour of unborn persons almost impossible. The

High Court of Bombay has expressed the opinion that even a power of revocation, which is a common provision in deeds and trusts or a provision made for the management of the interest of the unborn persons after their birth and during their minority, had the effect of derogating from the entirety of the remaining interest which is required by these sections to vest in the unborn person and of making the trust void.

Sir, the decision of the Privy Council and the Decision of the Bombay High Court have had the effect of unsettling titles to properties of large value in a great number of cases.

I may remind the Honourable Members of this House that the object of Sections 13 and 14 of the Transfer of Property Act and Sections 113 and 114 of the Indian Succession Act is to prevent an estate being tied up for a length of time which is considered by the Legislature to be against public policy. The rule against perpetuity contained in Section 14 of the Transfer of Property Act and 114 of the Indian Succession Act is one of the provisions designed to attain that object. The rule about giving an estate to unborn persons which does not comprise the whole remaining interest of the Settlor or testator therein is another limitation. Sir, the rule contained in Section 13 of the Transfer of Property Act and Section 113 of the Indian Succession Act is somewhat analogous to the English common law rule laid down in the case of *Whitby v Mitchell* to which reference has been made in the Statement of Objects and Reasons. That rule of the English common law has now been abolished by Section 161 of the Law of Property Act 1925. The only limitation now existing in English law is the rule against perpetuity which is analogous to the provisions of Section 14 of the Transfer of Property Act and Section 114 of the Indian Succession Act.

Sir, in the present state of Indian society, I think Honourable Members will agree that it is not necessary to continue to fetter the Indian settlor's or testator's right of disposition in a manner beyond that affected by the rule against perpetuity. Moreover, Sir, as I pointed out, having regard to the interpretation now given to the words "the whole of the remaining interest" found in this section by the Privy Council and the Bombay High Court, Section 13 of the Transfer of Property Act and Section 113 of the Indian Succession Act have become almost unworkable and the retention of these two sections on the Indian Statute Book is likely to give rise to a large volume of litigation. I understand there is a large volume of litigation now pending in the Bombay Courts.

The necessity for this Bill was first pressed on the Government of India by the Incorporated Law Society of Bombay. The views of Provincial Governments, High Courts and important legal bodies were accordingly invited on the proposal and the replies received show that a large majority of the authorities consulted are in favour of the proposal. Honourable Members will have noticed

Mr. Sasanka Sekhar Sanyal (Presidency Division: Non-Muhammadian Rural): On a point of information, will the Honourable Member please state whether such information received by the Government have been circulated to Members of the House?

The Honourable Sir Asoka Roy: No.

Mr. Sasanka Sekhar Sanyal: Why not, Sir?

The Honourable Sir Asoka Roy: that care has been taken to safeguard any interest acquired by any person for valuable consideration before the commencement of this Act. I find Sir, on the paper a notice of an amendment tabled by Sir George Spence. He has suggested the addition of certain words in Clause 5 of the Bill which are intended to make the position clear with regard to the decree. I shall be prepared to accept that amendment when it is moved.

Clause 3 of the Bill relating to the Hindu Disposition of Property Act, 1916 is merely consequential on the omission of Section 113 of the Indian Succession Act 1925.

[Sir Asoka Roy]

I desire only to add that this Bill does not affect the Muslim community in any way inasmuch as the provisions which are now sought to be repealed never applied to members of that community.

Sir, I find a number of amendments tabled and I notice that Mr. Ananthasayanam Ayyangar has an amendment to the effect that the Bill should be referred to a Select Committee.

Well, Sir, if there is any general feeling amongst members of the House that this Bill should be referred to a Select Committee, I shall be prepared to accept the motion for reference to Select Committee. Sir, I move.

Mr. President: Motion moved:

"That the Bill further to amend the Transfer of Property Act, 1882, the Hindu Disposition of Property Act, 1916, and the Indian Succession Act, 1925, be taken into consideration."

Sri M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of"

Mr. Sasanka Sekhar Sanyal: Sir, on a point of order. What about the motion for circulation?

Mr. President: Let them all be moved and then I shall put them to vote. There are two motions

Sri M. Ananthasayanam Ayyangar: I do not press my motion for circulation, Sir.

Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of Mr. Manu Subedar, Mr. Sasanka Sekhar Sanyal, Shri Sri Prakasa, Sir Mohammad Yamin Khan, Syed Ghulam Bhik Nairang, Sir Cowasjee Jehangir, and the Mover, with instructions to report by Friday, the 15th March, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. President: Motion moved:

"That the Bill be referred to a Select Committee consisting of Mr. Manu Subedar, Mr. Sasanka Sekhar Sanyal, Shri Sri Prakasa, Sir Mohammad Yamin Khan, Syed Ghulam Bhik Nairang, Sir Cowasjee Jehangir, and the Mover, with instructions to report by Friday, the 15th March, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Sasanka Sekhar Sanyal: I do not want to move my motion.

Sri M. Ananthasayanam Ayyangar: Therefore it is clear that I ought not to make a long speech. Sir, Sections 13 and 14 of the Transfer of Property Act have been intended as a safeguard against tying up of property in perpetuity. Section 14 refers to a point of time and Section 13 refers to the extent of property that is bequeathed beyond the present life, if it is to be extended to an unborn person. Section 13 lays down that the entire property shall vest in the unborn person, that it ought not to be carried over. That is sought to be abrogated by this Bill. Section 13 has been there in the present Act since its inception in 1882. Ever since it has been working quite well. Recently it is true that in view of the decision of Their Lordships of the Privy Council some learned Judges of Bombay have doubted the validity of certain transactions which have been carried out in the Presidency of Bombay. Therefore it has necessitated the framing of this Bill. But the remedy is too drastic. To meet the requirements, to get over the difficulties suggested by Their Lordships of the Privy Council, that in case of a trust involving an unborn person with a carry over, if that person who is expected to come into existence is not born, that property might vest in the settlor's children. That has been found to be contrary to the provisions of Section 13. No doubt it works great hardship. One cannot be sure that the child who is unborn, for whose benefit a settlement is expected to take effect, that child might or might not be born, in which case there is further provision that that property should be made over to the settlor's children. That is in conflict with Section 13 as it stands. It works a great hardship. The property might go to some other persons who are not contemplated by the settlor at that time. That defect has to be remedied. I agree with the Honourable the Law Member that there is a difficulty and therefore

the necessity of invoking the aid of the legislature. There is no difference between him and me and my view is reinforced by the views of the Madras Government and the Madras High Court that the whole section need not be deleted but suitable amendments may be made to Section 13 and the corresponding Section 113 in the Indian Succession Act. That is why I have tabled this amendment. It is unfortunate that the Honourable the Law Member and his Secretary did not think it proper to circulate the opinions that have been gathered to the Members of the House. It would have placed us in a better position to deal with this matter. Anyhow, if the motion to refer the Bill to a Select Committee is carried, we will sit across the table and try without the elimination of Section 13 to so modify as to remove the difficulties that have been found or have been exposed by the dictum of Their Lordships in the Privy Council Case. That is all that I have to submit with reference to this motion for reference to Select Committee.

Mr. Sasanka Sekhar Sanyal: Sir I propose to support the amendment of my friend Mr. Ayyangar. In doing so, I invite the attention of the House to particular questions that naturally arise. I feel that the Honourable the Law Member will agree that there is just a little difference between the principles of perpetuity and the principles of remoteness of litigation. This difference, it seems to me, has been lost sight of, when this amendment was drafted with the decision of Their Lordships of the Privy Council in view. There is also a lot of difference between a bequest in the meaning of the Indian Succession Act and a transfer within the meaning of the Transfer of Property Act for certain purposes and the case which was decided arose out of the provisions of a bequest. These things have got to be compared and adjusted for the purpose of modifying the law according to our present needs and in order to avoid the complications which, according to the Law Member, have arisen. There are no two opinions that the decision of Their Lordships of the Privy Council in the Sopher's case was more or less a decision which was very hard and which adversely affected the very normal provisions which are made by parents to their children. But that is far different from saying that that case decided anything which was unusual or unexpected. For example, even if you look at the statutory illustration of Section 113 of the Indian Succession Act it is clear that Their Lordships only mathematically applied the decisions which were contemplated by the statutory illustration of Section 113 of the Indian Succession Act.

The Honourable Sir Asoka Roy: I have never questioned the correctness of the decision of the Privy Council. The decision arrived at was a correct decision.

Sri M. Ananthasayanam Ayyangar: My Honourable friend only wants to say that this is not a new interpretation. It is as old as the Act itself and therefore more than sixty years after 1882 there is no hurry for this. If at all, it must have been done earlier.

Mr. Sasanka Sekhar Sanyal: I am very sorry I made myself misunderstood by my Honourable friend. I say that this decision has not upset anything which was previously not in the contemplation of the law. It is one thing to say that a situation has arisen necessitating a change of the law and it is another thing to say that a particular decision has created an unexpected situation which requires the intervention of the legislature. As a matter of fact I may even go further than my Honourable friend on the Treasury Benches. So long as legal questions arising in our country have their last decisions from Their Lordships of the Privy Council, there are bound to be decisions which will cut across the ordinary conception of our societies and families. But that is a matter which cannot be remedied in this way. There will be decisions which will go counter to our expectations, and the only solution for such an anomaly would lie in our getting these cases ultimately tried by Indian judges on Indian soil. But that is an entirely different matter.

[Mr. Sasanka Sekhar Sanyal]

This raises the larger question as to whether we should have our cases tied to the chariot wheels of the Privy Council and whether we should have greater recourse to enlarge our powers and position here or leave the final decision in their hands; but that is an entirely different matter.

What I was submitting is that there was nothing unexpected in this decision. The law was there and if the law is to be modified by a process of summary amputation, the funds might look for the time being settled and so on; but then other complications will arise. For example, as I was saying, there was a difference between a bequest and a transfer. Bequest has always a scheme of contingencies and therefore latitude is necessarily called for there, in the matter of a scheme which deals with contingencies—contingencies of the first degree, contingencies of the second degree and so on and so forth. But so far as transfer is concerned, contingencies are not a normal contemplation of the Transfer of Property Act: these are only transitional cases. The real conception is immediate vesting and divesting of property and proprietary rights and interests, and that makes a lot of difference between section 18 and section 118 and section 14 and section 114 of the two respective Acts.

Mr. President: How will the Honourable Member treat the case of trusts?

Mr. Sasanka Sekhar Sanyal: Here again I submit on the fact of it, the appearances are similar; but then I will just answer the question which was raised by the Chair by one concrete example. . . .

Mr. President: I may make it clear: I do not want to test the position of the Honourable Member: I want to be clear myself.

Mr. Sasanka Sekhar Sanyal: I just give one example.—Here so far as section 13 is concerned, if this section is dropped as proposed, certainly transfers which are made on the basis of trusts in favour of children would be protected from the onslaught of such decisions. But do you not agree that other and undesirable complications are also likely to appear? If you look at the matter purely from the point of view of trusts created for children, trusts created for families and so on, we oppose the matter from one point of view; but at the same time. . . .

Mr. President: May I say what is passing in my mind? What are cases of transfer *inter vivos*, which the Honourable Member has in view apart from cases of trusts or settlements?

Mr. Sasanka Sekhar Sanyal: Gifts and similar transfers which may be tied on for an indefinite length of time—if there is no absolute transfer in contemplation in the present context of things, what will be the position? The position will be that in favour of strangers and strangers or in favour of relations, and then strangers in favour of strangers and unknown persons of all descriptions may be brought into the scene and the estate may be kept fettered and tied for an indefinite length of time for purposes which may be holy or unholy; and that is a state of things which is neither scientific nor desirable and the Indian conditions, apart from those cases which are merely provisions for families and relations, will also never favour the idea of keeping estates tied to the wheels of uncertain contingencies.

An Honourable Member: There is another section of the Act.

Mr. Sasanka Sekhar Sanyal: Yes; there are other sections but that also makes our position stronger. That is why we want to say that instead of summarily removing sections from the law only with a view to avoiding situations which have arisen out of a particular decision, it is necessary that we sit down and compare the inter-relations of the different sections in the one Act with those of the other Act, so that we may arrive at a combined decision in our wisdom which will enable us to so modify the existing section as to answer both the requirements which are raised by the particular decision and the requirements which were in the scheme of the Act when the Act

was actually drafted. After all this law is there for a long time; it has answered certain needs and before we summarily dispense with the existence of these legislative provisions which have been there for a long time, we must apply our combined wisdom to the matter, so that we can forge out provisions which will serve the needs which they have been serving all this time and at the same time which will protect certain interests which have been threatened by the decisions. Therefore I think a strong case has been made out in reference to the Select Committee.

Sri T. V. Satakopachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I support the motion for reference to the Select Committee. . . .

Mr. President: In view of what has fallen from the Honourable the Law Member, if there is a desire for reference to Select Committee, the Honourable Member is agreeable to it.

The Honourable Sir Asoka Roy: Yes: if the House asks for a Select Committee I shall agree to it.

Mr. President: Unless the Honourable Member, Mr. Satakopachari, wants to make any new suggestions, the matter has been perhaps sufficiently placed before the House?

Mr. M. Asaf Ali (Delhi: General): May I just say a word? It is quite true that the Honourable the Law Member has agreed to Select Committee; but it is quite possible that Members of the House may have certain views on the subject which should be considered by the Select Committee.

Mr. President: That is what I was going to say—in fact I said so in the first sentence—if Honourable Members have to say something by way of suggestions to be made; but I am afraid the particular matter for the Select Committee is of such a technical character and so wide that it would be very difficult. . . .

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): If there is any enterprising Member to do that, he may be allowed.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Would he explain less technical matters?

Mr. President: I believe the Select Committee would be better able to discuss the background of the proposed legislation and the results of their discussion will, of course, be discussed later. But I must personally admit that, on the whole, I felt certain difficulties not only in the sections but also in the amendments which are tabled both by the Government as also by the Honourable Member Mr. Sanyal; but that is a different matter. I do not propose to put my views here on the question. In any case, if it is desired that the matter be thrashed out more fully in the Select Committee, that is the better course, as the Honourable Member himself has accepted the suggestion. Of course if any other Member has to suggest any particular views, that is a different matter.

Mr. P. J. Griffiths (Assam: European): Mr. President, I know nothing at all about this particular Bill; but I would suggest as a matter of general principle that there ought to be some kind of general discussion in this House before reference to Select Committee for the guidance of that Committee when it sits.

Mr. President: That general discussion has already taken place: any general point of view that could be urged has already been urged by both the Members, Mr. Ayyangar and Mr. Sanyal.

Mr. P. J. Griffiths: But nobody has yet made any remarks to enable an unintelligent Member like myself to understand what the Bill is about.

Mr. M. Asaf Ali: I am sorry I have to protest against the precedent you are creating. We must leave the House free to discuss these matters threadbare, even if the question is going to be referred to Select Committee, and the House feels that it must give guidance to the Select Committee.

[Mr. M. Asaf Ali]

every Member must have the right to speak; we cannot curtail debates like that. It is not possible.

Mr. President: I can assure the Honourable Member that there is not the least desire to curtail the debate in the least. But what I have been able to find from the two speeches is that there is going to be a repetition of the same thing. (*An Honourable Member:* "Not necessarily"). Theoretically, "not necessarily"; but if we go for example into the question of the doctrine of perpetuity, the remoteness of limitation—section 114 of the Succession Act and section 14 of the Transfer of Property Act and all that—I am afraid it will be a technical discussion and I do not see any further contribution likely. All the same, if any Member feels that he can contribute something to the debate, I have no objection to his saying such thing. I do not want to curtail anything; only if the House likes, the question may be put not otherwise. But every Member is entitled to speak and make suggestions.

The Honourable Sir Asoka Roy: For my part, I say I have no desire to curtail any speeches.

Mr. President: Nor have I.

Sir Cowasjee Jehangir (Nominated Non-Official): May I just say a few words? Not being a practising lawyer, I would like to put my point of view in ordinary language which may be intelligible to Honourable Members who are like myself laymen. (*An Honourable Member:* "Or a litigant's point of view"). Certainly from the point of view of one that may be affected by such legislation.

Mr. M. Asaf Ali: Mr. Satakopachari got up to speak to this motion when this discussion ensued. He has got the prior right to speak as he caught your eye but you shut him out.

Mr. President: I am afraid it will not be a correct description of my attitude to suggest that I shut him out. I made a suggestion to him and it was for him to accept it or not. He accepted the suggestion.

Sri T. V. Satakopachari: I took it also in that light—that you suggested that the Bill might be referred to a Select Committee. I was inclined to that view myself and I wanted only to press that the Bill might be referred to a Select Committee.

I am afraid the subject is too technical now to enter into it at this stage. I feel the proper stage for a detailed discussion of it will come after the Select Committee has considered the Bill and reported on it and given their views, and they are before the House.

What I wanted to suggest was one other aspect of the question which I thought might be brought before the House and which I thought was not touched upon by the two previous speakers. I should like to place this aspect before the Select Committee, because the total omission of the section will be harmful to the future progress of the society, especially the Hindu section of our country. I put it in this way. As my Honourable friend Mr. Sanyal pointed out, there are two ways of limitation prescribed by jurisprudence over transfer of property, whether *inter vivos* or by testamentary disposition. The two ways of limitation are these. Firstly, a bar against perpetually tying up properties. There is, of course, the question of Trusts to which you referred but that is completely dealt with by the Trusts Act. There are specific provisions guiding the creation of a trust, the administration of a trust and how a trust ought to be viewed under law, so that it forms a separate section of law altogether. That is safely provided for but ordinary dispositions of property in which property is tried to be put off from social usages—that has to be prevented by law by a bar against perpetuity. Both these notions are incorporations from the English law. Anyway, there are also indications in the Hindu Law against these creations of perpetuities, as you will find in the famous case of Tagore *versus* Tagore. The second limitation is a partial limitation upon the disposition of property whether by *inter vivos* or by testamentary disposition, as I stated already, by imposing some limitation saying that a

property shall not be tied up altogether from the use of society by your trying to make out a particular way of succession or mode of alienation or by just putting it off in a side channel for some time to come for your own benefit or the benefit of a section of society. The whole society should be capable of using the property. It is in the light of these views of jurisprudence that these laws have been framed. Sections 13 and 14 provide for these perpetuities. Omission of section 13 altogether would have certain repercussions on the other portions of law and on society in general, which I thought we should avoid. So, I thought the complete omission of the section might not be so very good and it requires much further consideration by persons informed on the subject and I thought also that the rights to property wld. be disturbed in this way that there will be a tendency amongst the people to tie up property, with the result that there will be a retrogression of society. I thought the entire omission might not altogether be good at this stage. I do not think we may be able now to suggest any particular phrase which may be tacked on to the existing section 13 or any particular method by which certain omissions of clauses might be useful. In order to achieve the objects of my Honourable friend the Law Member in view of Sopher's case to which he has referred, and also to suggest any other addition which might be useful in that way, it is better to refer the Bill to a Select Committee. I do not think I have studied the subject to that extent at this stage. So I now merely support the motion for referring the Bill to the Select Committee because I think the Bill needs much deeper consideration.

Dr. G. V. Deshmukh: May I know what *inter vivos* means?

Mr. President: It was never my intention to stifle discussion on this motion at all. I really feel even now that so far as the examination of the legal aspect of the cases and the judicial interpretation of them are concerned, even if lawyers were to argue they will argue for days together. Instead of doing that and then compelling friends like Dr. Deshmukh to ask what *inter vivos* means, I thought that the Bill might be referred to a Select Committee now, so that when the Bill comes back, the House might be in a better position to deal with it. It was not my intention to prevent any Member from expressing his views. I thought that in the speeches of the two Honourable Members who have spoken all the points that I could conceive of were dealt with. Even Mr. Chari's speech was more or less a paraphrase of the points of the other two Members and there was no new point. That is why I made the suggestion. I had no intention of shutting out discussion if any Honourable Member had anything new to suggest.

Sir Cowasjee Jehangir: I was about to begin my speech when you allowed another Member to continue his speech. May I now say just a few words as to how this Bill affects the ordinary person and whether a remedy is necessary or not. Some Honourable Members seem to feel some doubt whether such a change in the law is required. Up to now, as you know, Mr. President, a man could make a trust for his son or daughter for life and after that son or daughter to the children of such son or daughter, whether they be born in the lifetime of the settlor or not and those grand children would inherit the property absolutely. That was the belief for 50 or 60 years and trusts were made all over India on those lines. Well, Sir, the interpretations of section

13 of the Transfer of Property Act and section 113 of the Indian Succession Act were as I have tried to explain. Suddenly a case went up before the Privy Council who expressed an *obiter dicta*.

The Honourable Sir Asoka Roy: No, it was a decision.

Sir Cowasjee Jehangir: I shall say they expressed an opinion.

The Honourable Sir Asoka Roy: The *obiter dicta* was of the Bombay High Court.

Sir Cowasjee Jehangir: Let us not quarrel about words. The case went up to the Privy Council and the expression of opinion by the Privy Council showed that in India such trusts were invalid. That if a man made a trust

[Sir Cowasjee Jehangir]

for his son for life, after his son absolutely to his grand children, but if he had no grand children, the trust was for the benefit of his second son, such a trust was according to the decision of the Privy Council invalid. Trusts had been made for the last fifty years, grand children had been in possession, sons were in possession for life. Grand children might have been born after the death of the settlor and may have died. Complications arose, such cases went to court. Now, Sir, the settlor's intentions were completely upset by the decision of the Privy Council as upheld by the courts in Bombay. Matters came to such a pass that monies went into the hands of people most unexpectedly. I am describing it in ordinary language without using a single legal phrase. Naturally the Honourable the Law Member was approached for amending the Act. After giving the matter due consideration, he suggests the omission of these two sections. Now, Sir, it is perfectly clear to anybody who reads those sections and also who reads the subsequent sections in the Act that the law of perpetuity in no way is affected. Neither in this country nor in England can you make a trust in perpetuity. Now, Sir, there is some apprehension on the part of my Honourable friends opposite that if the whole of these sections are deleted, it may in some way affect the following sections and there may be some complication with regard to this law of perpetuity.

Mr. President: I am afraid that is not the point which they were making. They are not afraid that the law of perpetuity would be affected. That was not the point which those Honourable Members were making.

Sir Cowasjee Jehangir: They were trying to argue that in some way or other the present law of perpetuity would be affected because of these two sections in the Acts you are deleting—I am not a lawyer. . . .

Mr. President: That is exactly what I was telling the Honourable Member that that was not their argument. The Honourable Member may accept that.

Sir Cowasjee Jehangir: When this Bill was introduced, I took the precaution of taking legal opinion outside my Honourable friend the Law Member. I have been assured by some of the best lawyers in India today that the Bill as drafted with the amendment proposed by the Secretary of the Legislative Department carries out the object in view and will not in any way affect any other law that may be in existence. But nevertheless, if there are some apprehensions in this House, then have a Select Committee. But I would try to impress upon the House the importance of this matter because large sums of money are involved and there is a likelihood of people getting hold of money to which they are not entitled.

Sjt. N. V. Gadgil: Socialism.

Sir Cowasjee Jehangir: Well, if my Honourable friend opposite is entitled to some of this money, well, perhaps, he might urge this legislation should not take place. Under the law, I do not know whether he is or he is not entitled. At any rate, if he is he will benefit without having the right to do so. Put shortly in that way, surely legislation is necessary to prevent such a state of affairs. Therefore, Sir, the sooner this Bill goes to Select Committee, the sooner it comes back and is passed into law, the better for a very large number of people in this country.

Dr. G. V. Deshmukh: Sir, I did not want to take any part in this debate, but Sir, the position, as I understand it is this. When the Bill goes to the Select Committee, the general opinion is that we accept the principle of the Bill. From the discussions that have been going on, I can say that there are many friends of mine who are as ignorant as I am with regard to the object of the Bill or what the Bill is. It would be taken for granted that we have accepted the principle of the Bill. I want to put before you, Sir, our difficulties. We are expected to vote, and of course, we cannot vote unless we understand something about it. The Honourable the Law Member's exposition was very learned, but we could not understand it and hence this is

the difficulty. I want to put this difficulty before you. If there are any other Honourable Members of the House who would explain things in a layman's way, like Sir Cowasjee Jehangir has done, I think we would all be very thankful and it would prepare us in some sort of way to give a kind of opinion whether the Bill should go to the Select committee or what is to be done about it. I must have no doubt about it that it is a very useful Bill. On the one side they say it will not interfere with the law of perpetuity, I hear from my Honourable friend Mr. Chari that the rule of jurisprudence does not tie property. You can understand whether it ties up property or not, but we laymen are tied up completely with regard to this Bill.

Sri M. Ananthasayanam Ayyangar: There is just one point before you put the Motion to the House. I want to add two more names to the Select Committee. By an oversight, I gave the list without including the name of any Member from the European Group. I never wanted to ignore my Honourable friends of the European Group. I would request you to permit to add the name of Mr. T. Chapman Mortimer to the list. I also request you to add the name of my Honourable friend Mr. Satakopachari who has taken a lot of interest in the matter. He has studied it and he will be of immense help to the Select Committee.

The Honourable Sir Asoka Roy: I have no objection to include the two names.

Mr. President: I was just going to say with reference to the remarks made by Dr. Deshmukh that these are unfortunately the limitations in human life; and just as other people submit to the Honourable Member's knife without any question about the disease or the manner of operation, he may as well submit himself to the views of the lawyers in the House.

The question is:

"That the Bill be referred to a Select Committee consisting of Mr. Manu Subedar, Mr. Sasanka Sekhar Sanval, Shri Sri Prakasa, Sir Mohammad Yamin Khan, Syed Ghulam Bhik Nairang, Sir Cowasjee Jehangir, Mr. T. Chapman Mortimer, Mr. T. V. Satakopachari, and the Mover, with instructions to report by Friday, the 15th March, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

PROFESSIONS TAX LIMITATION (AMENDMENT) BILL

Mr. President: There are only five minutes left before we have to adjourn for Lunch. Is it the desire of the House that we should take up the next motion or we should adjourn now and take it up after reassembling?

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Why waste five minutes.

Mr. President: Then we shall take up the next motion in the name of the Finance Secretary, Mr. Cook.

Mr. B. C. A. Cook (Government of India: Nominated Official): Sir, I move:

"That the Bill to amend the Professions Tax Limitation Act, 1941, be taken into consideration."

This is the first time on which I have had the honour of addressing the House but I do not intend to ask for the indulgence of the House for very long. The amending Bill is simple and the Statement of Objects and Reasons is self-explanatory. The only point to which I should like to draw the attention of Honourable Members is to satisfy them that they are merely being asked to give effect to the intentions of the House which were expressed at the time when the original Professions Tax Limitation Act was moved. The Honourable Member who moved the Limitation Bill said in one place:

"There is a difference between the city of Madras and the districts. The difference is this that in the city the professions tax applies to individuals and the companies tax to companies. These taxes are upon a different basis. Therefore as far as this Bill is concerned it would not affect the existing tax on companies in the Madras city."

In another place in his speech he said:

"I would like to make it clear that the Bill before the House would not affect the existing taxes on companies in the Madras city."

[Mr. B. C. A. Cook]

I think, Sir, that makes it clear as to what the intention of the House was at the time when the Professions Tax Limitation Act was passed. Doubts have, however, been raised as to whether the Madras companies' tax is in fact excluded from the operations of the Professions Tax Limitation Act. The Madras Corporation have taken legal advice and they are advised that it can be held that the tax which is levied on companies in the Madras city is affected by our Limitation Act. This, Sir, as far as the Madras City Corporation is concerned, is a serious matter, and the effect on the revenues of the Corporation might be considerable. The object of the amending Bill, therefore, is to make the intentions of this House clear beyond doubt, to save the revenues of the Madras City Corporation from considerable loss and to clear up doubts generally. I commend the Bill to the brief but sympathetic attention of the House.

Sir, I move.

Mr. President: The question is:

"That the Bill to amend the Professions Tax Limitation Act, 1941, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. B. C. A. Cook: Sir, I move:

"That the Bill be passed."

Mr. President: The question is:

"That the Bill be passed."

The motion was adopted.

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.

PROVIDENT FUNDS (AMENDMENT) BILL

Mr. B. C. A. Cook (Government of India: Nominated Official): Sir, I move:

"That the Bill further to amend the Provident Funds Act, 1925, be taken into consideration."

Sir, I am sure that the House will be in full sympathy with the objects of this Bill. The history of it is as follows:

The Madras Government brought to our notice certain judicial decisions which implied that section 5 of the Provident Funds Act conferred on a nominee a right transmissible to his heirs. As, however, it was never intended to give a nominee anything more than a right to receive a subscriber's deposits if at the time of the subscriber's death the nominee were alive and a valid nomination existed in his favour and the deposits had not already been paid to the subscriber, it was decided that amending legislation was necessary. Provincial Governments and Chief Commissioners were consulted and asked to give their views and those of the institutions to which the Provident Funds Act had been applied. Their views were received and showed a practical consensus in favour of amendment.

One point which I should like to make here, Sir, is that these provisions do not apply solely to Government servants. They apply also to a very large number of servants of local Funds, schools, and other institutions. Most of these employees are on fixed salaries and have been having a fairly hard time, and I think the House will agree that it is undesirable to subject them to any form of uncertainty regarding the disposition of their Provident Fund deposits.

Now, Sir, of the two amendments proposed in the first of the amending clauses, the first amendment, (a), is intended to secure beyond question that a nominee duly nominated according to the rules of the Fund takes precedence

over all persons and at the same time to make it clear that his right depends on his surviving the subscriber. The second amending sub-clause, (b), is consequential on the first, while the additional sub-section (3) which it is proposed to add to section 5 of the Act by means of amending clause (2) will make the amendments effective for all subsisting nominations without disturbing cases in which payment has already been duly made.

Sir, I move.

Mr. President: Motion moved:

"That the Bill further to amend the Provident Funds Act, 1925, be taken into consideration."

Sri M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I expected that my Honourable friend Mr. Jaffer would be here to move his amendment for circulation to the Sub-committee. Seeing that he was not present this morning, I apprehended that he may not be present this afternoon, and therefore I along with my Honourable friends, Mr. Satakopachari and Reddiar, have given notice of a similar amendment for reference to a Select Committee.

Mr. President: When did the Honourable Member give that notice?

Sri M. Ananthasayanam Ayyangar: I am sure it will be in your hands very soon. I gave it about 15 to 20 minutes ago.

It is an important measure. Within a short time of two or three years there have been one amendment after another to this Provident Fund Act. I agree with the object of the framers of the Bill that it should be made clear, but I am afraid the language of the Bill goes far beyond the intended object. For instance, it says that any provident fund that is created to which the man subscribes and the employer also contributes is taken away from the writs of creditors and insolvency of the contributor. Thus it is kept as a fund for use by himself and his family after retirement. If that is so, the present Bill enables him to alter the very structure of the provident fund and cancel the nomination that is already made behind the back of the subscriber to the fund. It is not necessary to bring out or to carry out certain directions which have been indicated because of certain difficulties in the working of the Act. That goes far beyond the difficulties that have been pointed out.

I should like to point that a provision which is not there at present ought to be made, namely, some special provision should be made in the fund for wife or children which must eventually go to them. It must not be left to the sweet will of the contributor to go on changing it from time to time. I find that lacuna there.

Both passively and actively this Bill, which has been placed before us required radical modification by way of small amendments here and there. I am not sure that we will be able to carry out what is necessary in the interest of the subscribers to the provident fund on the floor of the House. Therefore, Sir, with your permission, I move:

"That the Bill be referred to a Select Committee consisting of Mr. P. B. Gole, Sri R. Venkatasubba Reddiar, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Mr. E. L. C. Gwilt, Sri T. V. Satakopachari, Mr. B. C. A. Cook, and the mover, with instructions to report by Thursday, the 28th February, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. President: Motion moved:

"That the Bill be referred to a Select Committee consisting of Mr. P. B. Gole, Sri R. Venkatasubba Reddiar, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Mr. E. L. C. Gwilt, Sri T. V. Satakopachari, Mr. B. C. A. Cook, and the mover, with instructions to report by Thursday, the 28th February, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. B. C. A. Cook: I accept the motion, Sir.

Mr. President: The question is:

"That the Bill be referred to a Select Committee consisting of Mr. P. B. Gole, Sri B. Venkatasubba Reddiar, Sir Muhammad Yamin Khan, Syed. Ghulam Bhik Nairang, Mr. E. L. C. Gwilt, Sri T. V. Satakopachari, Mr. B. C. A. Cook, and the mover, with instructions to report by Thursday, the 28th February, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

COMMITTEE RE RAIL-ROAD CO-ORDINATION SCHEME

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I move:

"That the report of the Committee to examine the progress made in carrying out the principles of the Rail-Road Co-ordination Scheme which was due to be presented today may be presented on Monday, the 18th February."

Mr. President: The question is:

"That the report of the Committee to examine the progress made in carrying out the principles of the Rail-Road Co-ordination Scheme which was due to be presented today may be presented on Monday, the 18th February."

The motion was adopted.

STATEMENT OF BUSINESS

The Honourable Sir Edward Benthall (Leader of the House): Sir, the Finance Member hopes to present the report of the Committee on the question of India's position with reference to the Bretton Woods Agreements on Tuesday next. He will thereupon give notice of a motion designed to elicit the final verdict of the House on the question of India's continued participation in the Agreements. It is essential that a final decision should be reached by the end of next week inasmuch as if India is to continue to be a party to the Agreements the Governor of the Reserve Bank will have to proceed to Washington immediately to participate in discussions. Wednesday next week has been allotted for the general discussion of the Railway Budget while Friday is the first of the days allotted for the voting of demands for Railway grants. Neither of these days can be altered without dislocating the whole programme of the two budgets. In these circumstances I hope that the House will be prepared to dispose of the motion to be moved by the Finance Member on Thursday next week. If, however, Honourable Members want further time to consider the report of the Committee copies of which will be circulated as soon as the report is presented, we must ask you, Sir, to direct the House to sit on Saturday the 28th February for transaction of official business with a view to disposal of the Finance Member's motion on that date.

If the decision is to take the Finance Member's motion on Thursday I hope that no objection will be taken under clause (a) of the proviso to Standing Order 44(1) to the moving on Tuesday of the Commerce Member's motion for consideration and passing of the Insurance Bill as reported by the Select Committee whose report was presented yesterday. If the Finance Member's motion is not taken on Thursday the Insurance Bill will be put down for that day.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): If this is a provisional programme I have no objection. But I feel that the Bretton Woods Committee would not be able to present its report by Tuesday as expected, and if such a report is presented—I do not think I am disclosing too much of a secret when I say that there are very serious difficulties in the way of that Committee—if any, will be a divided report. I feel that the House ought to get considerable time to examine this question. And even if the report were presented on Tuesday it could not be discussed on Thursday.

I submit that, while I have no objection to the provisional arrangements going through, this would not be the proper thing.

The Honourable Sir Edward Benthall: Then Saturday would suit the Honourable Member better.

Mr. Manu Subedar: If the report is presented in time and if it has been properly circulated and time given to the Members of this House.

The Honourable Sir Edward Benthall: Then I would ask for Saturday as an official day.

Mr. President: I am afraid the matter still remains in doubt. There are two "ifs" which the Honourable Member stated: "If the report can be presented" and "If it can be circulated".

Mr. Manu Subedar: On a highly technical matter like this, I submit the House must have a certain amount of time. Members must have time to read through the report and discuss among themselves and I think it would be very unfortunate if an earlier date is forced on the Members who have not digested the issues particularly when there is the fact

Mr. President: The point which I was making was this: assuming the report is presented on Tuesday, will Saturday suit?

Mr. Manu Subedar: I will respectfully say that as far as I can see there is not the slightest possibility of the report being presented by Tuesday. We have to draft our reports.

Mr. President: That creates a different position.

The Honourable Sir Edward Benthall: May we accept Saturday provisionally in order to frame a programme?

Mr. Manu Subedar: I am only trying to help in the fixing of a programme which can be put through.

The Honourable Sir Edward Benthall: Since the limiting date is the end of next week, I am suggesting Saturday rather than Thursday.

Mr. President: Saturday is for discussion of the report. That is how I understand it. Supposing we are not able to finish the discussion on Saturday, as two days were proposed—Thursday and Saturday—what will happen then?

The Honourable Sir Edward Benthall: Thursday or Saturday.

Mr. President: The Honourable Member said ". I hope that the House will be prepared to dispose of the motion to be moved by the Finance Member on Thursday next week. If, however, Honourable Members want further time to consider the report of the Committee copies of which will be circulated".

The Honourable Sir Edward Benthall: I did intend it to be discussed in one day.

Mr. President: Would it be finished in one day?

Mr. Manu Subedar: Sir, the official side seem to be anxious to fix a date by which we must come to a decision, because if India continues to remain in the Bretton Woods Agreement, the Governor or a representative for India has to be sent to the preliminary meeting. With this question are mixed up several other important questions which some of us think to be even more important than the presence of our representative at the preliminary meeting and therefore I submit that adequate time should be given to the House to discuss the report after it is circulated. But as to whether the discussion could be finished in a day is more than I can say. It all depends on the discussion in the House.

Mr. President: What I feel is that if a certain time limit has been fixed for expressing consent, then of course the whole thing has to be finished within that time limit. At present it is not possible to say what view the House will take.

Mr. Manu Subedar: If the Honourable the Finance Member will permit me to disclose what is the difficulty we are confronted with in the Bretton Woods Committee, I am prepared to state it. Before that stupendous issue the question of our representative's presence at the preliminary meeting in Washington pales into insignificance.

Mr. President: I do not propose to enter into the merits of that question. At this stage, all that I mean is, assuming that the House comes to a decision that we should remain in the Fund whether our conclusion should be reached on Saturday or whether any further time can be given and the discussions carried over to some other convenient date. That is the only point of difficulty that I have to decide. Thereafter the Railway Budget comes for discussion.

Mr. Manu Subedar: What will happen if the discussion on this motion is not closed on Saturday, the 23rd?

The Honourable Sir Archibald Rowlands (Finance Member): I will undertake on behalf of the Government Benches that we will be as brief as possible. The issue which is really to be determined is a perfectly simple one. I know that there are other issues. The issue to be decided on the 23rd is a perfectly simple one and I say that on the Government side we will not take more than quarter of an hour.

Mr. Manu Subedar: For our part we will try to assist the House to conclude the discussion as early as possible. I have my preliminary difficulties about the preparation of the report.

Mr. President: That will be a different matter. Let us sit with determination, even sitting longer if necessary and see that the matter is finished that day.

The Honourable Sir Archibald Rowlands: Thank you, Sir.

Mr. President: So we shall have Saturday, the 23rd, as the date fixed for this purpose.

The Honourable Sir Edward Benthall: In that case I think we should take the Insurance Bill on Thursday instead of Tuesday and cancel the meeting entirely for Tuesday. In that case Members may have more time to study the Railway Budget, Bretton Woods and other subjects.

An Honourable Member: The report has to be presented.

The Honourable Sir Edward Benthall: We will have a short session on Tuesday, take the Insurance Bill on Thursday and Bretton Woods on Saturday.

Mr. President: Is that convenient? I see no objection.

The Honourable Dr. Sir M. Azisai Huque (Commerce Member): Would it not be better if we start on the Insurance Bill on Tuesday, so that we know exactly what the position is?

Mr. Manu Subedar: I think that would be better. I do not see any possibility of the report on Bretton Woods

Mr. President: In that case I shall have to waive the objection as to want of sufficient time. If it is raised we shall see. At present it is problematical.

Sri M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): The report of the Select Committee has not been circulated.

Mr. President: It is to be circulated tonight. For the present it is agreed by the House that we take the Insurance Bill on Tuesday, subject to any objection and the Chair's waiving of notice. On Saturday the 23rd, the House sits for the Bretton Woods decision.

Mr. Leslie Gwilt (Bombay: European): Is it presumed that the Insurance Bill will go on from Tuesday the 19th to Thursday the 21st?

Mr. President: Not necessarily. If it is not finished on Tuesday

Mr. Leslie Gwilt: If it finishes on Tuesday, I presume there will be no sitting on Thursday.

Mr. President: Is there any other business on Thursday?

The Honourable Sir Edward Benthall: None other than the Insurance Bill, and if that is finished on Tuesday, there need be no sitting on Thursday.

Mr. President: If the Insurance Bill is not finished by Tuesday, it will go over to Thursday. In case it is finished by Tuesday, there will be no other business for the House on Thursday and the House will not sit on Thursday.

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): We are agreeable, Sir.

The Assembly then adjourned till Eleven of the Clock on Monday, the 18th February, 1946.

**Copies of the Debates of the Legislative Assembly and of the Council of State
are obtainable on sale from the Manager of Publications, Civil Lines, Delhi**
