

2nd April 1945

THE  
LEGISLATIVE ASSEMBLY DEBATES  
Official Report.

Volume IV, 1945

*(2nd April to 12th April, 1945)*

TWENTY-SECOND SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1945



LEGISLATIVE ASSEMBLY

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*Deputy President :*

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Mr. N. M. JOSHI, M.L.A.

Sardar SANT SINGH, M.L.A.

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# LEGISLATIVE ASSEMBLY

Monday, 2nd April, 1945

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

## MEMBERS SWORN.

**Sir George Richard Frederick Tottenham, C.S.I., C.I.E., I.C.S., M.L.A.** (Government of India: Nominating Official); and

**Mr. Chandulal Madhavlal Trivedi, C.S.I., C.I.E., O.B.E., I.C.S., M.L.A.** (Secretary, War Department).

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### HEALTH OF MR. UTTAM CHAND MALHOTRA

**1486. \*Mr. Abdul Qaiyum:** Will the Honourable the Home Member please state:

(a) the latest report about the health of the security prisoner, Mr. Uttam Chand Malhotra, now detained in the Dera Ghazi Khan jail;

(b) whether he is laid up in hospital; and, if so, the nature of his trouble, and

(c) whether he proposes to send him to a jail in the North West-Frontier Province?

**Sir Richard Tottenham:** (a) and (b). The latest report about the health of Mr. Uttam Chand shows that it is satisfactory. He was discharged from hospital on March 10th after undergoing a detailed examination. The conclusions formed after that examination were that there was no trace of kidney trouble or of any other serious complaint.

(c) No.

**Mr. Abdul Qaiyum:** In view of the fact that almost all the prisoners have been sent back to their provinces, may I know whether Government will reconsider the question of sending back this prisoner to the North West Frontier Province?

**Sir Richard Tottenham:** I have no objection to reconsidering it, but I doubt whether it will make any difference.

**Mr. Abdul Qaiyum:** We are told that the Members of the Working Committee have also been sent to their provinces. Why should an exception be made in the case of this prisoner?

**Sir Richard Tottenham:** There are certain reasons.

**Mr. Abdul Qaiyum:** Will the Honourable Member disclose the reasons?

**Sir Richard Tottenham:** I am afraid I cannot.

**Mr. T. S. Avinashilingam Chettiar:** What are the general reasons which make the Government keep prisoners belonging to other provinces in different provinces?

**Sir Richard Tottenham:** There are confidential reasons.

#### ENCOURAGEMENT TO RAW FILMS INDUSTRY

**1487. \*Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state if it is a fact that a company applied for registration for the manufacture of photographic goods and equipments in India during the postwar period, more specifically for the manufacture of raw films?

(b) Was the answer of Government in the following terms:—

“It is premature to invite the public to subscribe capital before experimental work has been carried to such a stage that it is possible for the Government and the public to form some sort of judgment as to the prospects of the venture?”

(c) What efforts are they making, or do they propose to encourage private parties to make raw films, and can they give an assurance that an industry for the manufacture of raw films will arise in India as early as possible after the war?

**The Honourable Sir Jeremy Raisman:** (a) Yes.

(b) It is a fact that consent to the issue of capital was refused in the terms quoted.

(c) An industrial panel is being set up to investigate and report on the possibilities of manufacture of raw films in India after the war.

**Mr. Manu Subedar:** May I know what equipment the Controller of Capital Issues has got to judge whether a particular industry has prospects, or not?

**The Honourable Sir Jeremy Raisman:** It is not the Controller of Capital Issues alone; it is the various departments who between them possess a considerable amount of technical knowledge or at any rate familiarity with trade conditions who advise whether the prospects are such that Government should sanction the issue.

**Mr. Manu Subedar:** Are Government guaranteeing the prospects? In fact Government are declaring that Government do not guarantee the prospects of a particular industry because the capital is issued, and, if so, may I know why Government is discouraging this enterprise?

**The Honourable Sir Jeremy Raisman:** The Honourable Member is quite right that Government publicly disclaim any guarantee of the soundness of issues which have been permitted. At the same time Government feel it to be their duty to ascertain that there is a certain minimum content of prospect of success or feasibility before they allow any public floatation.

**Mr. Manu Subedar:** May I know what steps Government will take to dispel the feeling among the public that Government are discouraging certain forms of industries with a view to maintain Indo-British trade in films and photographic goods?

**The Honourable Sir Jeremy Raisman:** There is no foundation whatsoever for the suggestion contained in the Honourable Member's remarks. But I must point out that this is a highly technical and scientific industry and that without considerable and careful investigation, it is not possible to allow promoters to go to the public and say, we are going to manufacture films. Government would be lending themselves to something about which they had certainly not satisfied themselves in the interest of the public.

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

#### RUPEE DEBT OF INDIA HELD BY BRITISHERS AND OTHER FOREIGNERS

1488. **\*Mr. T. S. Avinashlingam Chettiar:** Will the Honourable the Finance Member please state:

(a) the extent of the rupee debt of India held by Britishers and British Companies and other foreign agencies; and

(b) whether any attempts have been made to liquidate these debts?

**The Honourable Sir Jeremy Raisman:** (a) Government have no information.

(b) No, except in the course of the ordinary programme of repayment of maturing loans.

**Mr. T. S. Avinashlingam Chettiar:** In view of the fact that a certain knowledge in this matter is necessary, may I know whether Government will try to go into the matter and find out the extent of the rupee debt of India held by Britishers in this country.

**The Honourable Sir Jeremy Raisman:** I must point out that these loans are freely negotiable and it is not practicable to ascertain with any exactitude at an particular moment in whose hands they are and it certainly is not possible to determine in whose hands they will be on any future date.

#### INSTITUTIONS AND PREMISES RAIDED AND SEIZED AT HARMARA AJMER

1489. **\*Mr. Sri Prakasa:** Will the Honourable the Home Member please to state:

(a) the names of the institutions and premises raided and seized at Hammara (Ajmer) in August, 1942;

(b) if the *Gazette of India*, of August, 15, 1942, containing Government notifications in that behalf does not mention Khadi Ashram which also was seized; if so, what other notification was issued in that behalf;

(c) if Government have sold all the goods seized in the said Khadi Ashram; if so, what the amount of money realized from such sale was; and

(d) if Government propose to consider the desirability of paying back to the Managers the sum so realized?

**Sir Richard Tottenham:** (a) to (d). I have nothing to add to the reply to the Honourable Member's Question No. 695 on November 21st, 1944, except that I understand that the Chief Commissioner, Ajmer, has received notice of a suit on the subject.

**Mr. Sri Prakasa:** I should like to know, if I may, whether Khadi Ashram was specifically mentioned in the Gazette Notification.

**Sir Richard Tottenham:** I think that was answered on the last occasion; I do not think it was particularly mentioned.

**Mr. Sri Prakasa:** In view of the fact that Khadi Ashram was not specifically mentioned in the Gazette Notification, may I know why it was seized?

**Sir Richard Tottenham:** It is obvious that a dispute has arisen as to the legality of certain action in this case; and on the last occasion, when the question was raised, the Honourable the Home Member suggested that there was a legal remedy through which this dispute could be thrashed out. That legal remedy has now been taken by giving notice of a suit and I think we should be well advised to leave the matter to the Court to decide.

**Mr. Sri Prakasa:** With regard to the Honourable Member's reply to part (d) of the question, may I know whether they would pay back the money that they have realized by the sale of the goods seized from Khadi Ashram?

**Sir Richard Tottenham:** That would depend on the decision of the Court when the case comes before it.

#### WORK OF RUSSIAN EXPERTS ON HEALTH

1490. **\*Mr. Sri Prakasa:** Will the Honourable Member for Planning and Development please state:

(a) if Government are satisfied with the work of Russian Experts who were invited to give advice on health; and if his department has benefited by that advice; and

(b) if it is the intention of Government to invite experts from Russia to advise his department on matters of planning, administration, jails, agriculture, industry, and other subjects?

**The Honourable Sir Ardeshir Dalal:** (a) One Russian expert, Professor Ognev, was invited at the request of the Health Survey and Development Committee to assist them in their investigations. We have not received their report as yet, and so have no knowledge how far Prof. Ognev was able to help them.

(b) No proposal on the lines indicated is under consideration at the present time but Departments concerned will no doubt consider the possibility of inviting Russian as well as other foreign experts if and when the need arises.

**Mr. Sri Prakasa:** In view of the fact that planning has been carried on with the greatest success in Russia and in view further of the fact that Russia is now a friendly country, will the Honourable Member consider seriously the desirability of importing some expert Russians to advise the departments concerned on the various points mentioned in the question?

**The Honourable Sir Ardeshir Dalal:** Government will consider the desirability of inviting Russian experts as I have already stated in answer to part (d) of the question.

#### INSTRUCTIONS RE COLLECTIONS FOR DEFENCE SAVINGS DRIVE

1491. **\*Mr. Sri Prakasa:** Will the Honourable the Finance Member please state:

- (a) if he had issued any instructions to the Provinces regarding the manner in which money should be collected in the course of Defence Savings Drive;
- (b) if the lowest unit for which a certificate can be issued is Rs. 10;
- (c) how receipts for sum of less than rupees ten were given and how much have been accounted for; and
- (d) how the money realised in amounts of less than Rupees ten is to be paid off in the future?

May I say that there is a little mistake, no doubt due to my own bad handwriting. In the latter part of part (c) of the question I said ".....how such has been accounted for" instead of "how much".

**The Honourable Sir Jeremy Raisman:** (a) I would refer the Honourable Member to my remarks during the debate on the 10th February 1945 on Maulvi Muhammad Abdul Ghani's motion for adjournment of the House and to the proceedings of the Legislative Assembly dated the 27th March 1945, relating to the Supplementary Grant for Finance Department.

(b) No. The lowest unit is Rs. 5.

(c) and (d). The Government of India are not in possession of detailed information regarding the exact procedure followed by different Provincial Governments for the collection of money during the Savings Drive and the grant of receipts therefor. When money is collected by an Authorised Agent for investment in National Savings Certificates, he gives a temporary receipt for the amount and this is taken back from the investor at the time of handing over the certificate. In cases where persons can invest only sums less than Rs. 5 or Rs. 10, the Savings Card system has been introduced. Persons can buy savings stamps from an authorised agent or through the Post Office and affix them on the Savings Card which is supplied free. When the total value of the stamps reaches Rs. 5 or Rs. 10, the card is exchanged for a National Savings Certificate of the appropriate value.

Where the amount realised is less than Rs. 5 it may be deposited in the Defence Savings Bank account in lieu of cash.

**Mr. T. S. Avinashlingam Chettiar:** With reference to clause (a), what are the definite instructions that he has issued?

**The Honourable Sir Jeremy Raisman:** I have already referred to the subject more than once. I made it clear that the precise instructions that should be issued are a matter for careful consideration. Our position is that we cannot afford to discourage the drive. We are anxious to prevent excesses of the type to which notice has been drawn in this House but the instructions must be so worded as to make it clear that the Government of India still attach the utmost importance to continuing the small savings drive.

**Mr. T. S. Avinashlingam Chettiar:** May I take it that he will place on the table of the House the instructions when he issues them?

**The Honourable Sir Jeremy Raisman:** That suggestion will be taken into consideration.

**Mr. Sri Prakasa:** In view of the fact that licences for guns have been refused and shops have been closed, of persons who refused to give money for such purposes, would the Honourable Member kindly consider the desirability of giving fairly detailed instructions to Provincial Governments telling them that the Government of India do not like such particular methods and they prefer certain other methods which the Honourable Member may lay down specifically?

**The Honourable Sir Jeremy Raisman:** My Honourable friend's question illustrates the type of matter which has to be taken into consideration before instructions can be issued.

**Mr. President (The Honourable Sir Abdur Rahim):** Nawab Siddique Ali Khan.

DEATH OF JAGABANDU SEN OF MAINANDA VILLAGE DUE TO GUN SHOT  
WOUND BY AMERICAN SOLDIER

1492. **\*Nawab Siddique Ali Khan:** Will the Honourable the Home Member please state:

- (a) if he has read the editorial of *Dawn*, dated the 15th March, 1945; and

(b) if it is true that the parliamentary Secretary to the Home Minister replied to a question in the Bengal Legislative Assembly on the 1st March, as follows "Jagabandu-Sen of Mananda village in the district of Tippera had received a gun shot wound on October, 17, 1944, through the gun of the American soldier and he had died on the following day"?

**Sir Richard Tottenham:** (a) and (b). I have seen the editorial in question. It seems to have been based on a regrettable error by which the death was attributed to the fun, whereas it should have been the gun, of an American soldier.

**Nawab Siddique Ali Khan:** May I know what steps were taken to punish the offender?

**Sir Richard Tottenham:** I am not sure of the exact circumstances in which this regrettable incident took place, but I understand that it was a pure accident. I know that the question of compensation has been taken up.

**Sir Muhammad Yamin Khan:** What was the "fun" if it was not "gun"?

**The Honourable Sir Jeremy Raisman:** There was no question of "fun".

**Sir Muhammad Yamin Khan:** Did not the Honourable Member say that it is a misprint for the word "fun"?

**Sir Richard Tottenham:** No.

#### CASES OF UNAUTHORISED ENTRY INTO HOUSES BY FOREIGN AND INDIAN MILITARY MEN

1493. **\*Nawab Siddique Ali Khan:** (a) Is the War Secretary aware that in the Bengal Assembly on February, 21, Sir Nazimuddin, the Premier, referred to eight cases of unauthorised entry into houses by foreign and Indian Military personnel?

(b) Is it true that the Premier added that two Europeans in naval uniform had forced an entry into house, intimidated the inmates with revolvers and assaulted a young woman?

(c) Will the War Secretary please state in detail what steps Government has taken or propose to take to prevent such outrages?

**Mr. C. M. Trivedi:** (a) and (b). Yes Sir.

(c) I would invite the attention of the Honourable Member to my reply on the 1st March to starred question No. 587.

#### OUTRAGE OF INDIAN WOMEN IN CALCUTTA STREET BY AMERICAN SOLDIERS

1494. **\*Nawab Siddique Ali Khan:** (a) Will the Honourable the Home Member be pleased to state if it is a fact that three Indian women were pulled out of a taxi in broad daylight in a street of Calcutta by three American soldiers and driven off in a jeep with two women, having left behind the third who had fainted?

(b) Is it a fact that these two helpless women were raped and thrown out in Asansol?

(c) Is it true that this affair was reported to police by a European?

**Sir Richard Tottenham:** (a), (b) and (c). The Government of India have no information. I have ascertained that no such incident was reported either to the Calcutta or to the Asansol police.

#### HARDSHIP UNDER CENTRAL EXCISE RULES TO BETEL-NUT GROWERS AND TRADERS

1495. **\*Sri K. B. Jinaraja Hegde:** Will the Honourable the Finance Member be pleased to state:

(a) whether he is aware that hardship and harassment are caused by enforcing the Central Excise Rules in the case of betel-nut growing and trading; and

(b) whether permits to grow betel-nut palm are being enforced; if so, what the fee is and whether any exemption is permitted to small growers; if so, what the conditions are?

**The Honourable Sir Jeremy Raisman:** (a) No. The rules are being as applied as not to interfere with the growing of and trade in betel-nuts.

(b) No permit is required for growing the betel-nut palm.

**Mr. T. S. Avinashlingam Chettiar:** May I know whether he has received any complaints of harassment and hardship caused by the application of this rule?

**The Honourable Sir Jeremy Raisman:** I have heard several remarks in this House and as I said the other day, I am having certain matters investigated.

**PERFORMANCE BY RESERVE BANK OF INDIA OF FUNCTIONS OF A CENTRAL BANK**

**1496. \*Mr. Akhil Chandra Datta:** Will the Honourable the Finance Member be pleased to state:

(a) whether the Reserve Bank of India has performed or is performing all the functions of a Central Bank for exercising full consolidation and control over the credit of the country?

(b) Whether it has submitted definite and final proposals for the extension of the provisions of the Reserve Bank of India Act relating to Scheduled Banks, to all institutions and persons engaged in British India in the business of banking?

(c) Whether it has adopted and carried out any definite scheme for the improvement of the machinery for dealing with agricultural finance and methods for effecting a closer connection between agricultural enterprise and the operations of the Bank?

(d) Whether it has adopted and carried out a definite scheme for co-ordinating the operations of the Bank in connection with agricultural credit and its relation with all institutions engaged in the business of agricultural credit?

(e) What particular functions it has assigned to its Agricultural Credit Department and how they are being performed?

**The Honourable Sir Jeremy Raisman:** (a) The Reserve Bank of India is performing as far as is practicable the functions of a Central Bank assigned to it by the Reserve Bank of India Act 1934.

(b), (c) and (d). The attention of the Honourable Member is invited to the Statutory Report submitted by the Bank in 1937 under Section 55(1) of its Act.

(e) The functions of the Agricultural Credit Department are defined by Section 54 of the Reserve Bank Act; as regards the manner in which they are being performed the attention of the Honourable Member is drawn to the Annual Reports of the Bank under Section 14 of its Act.

**Mr. Manu Subedar:** Will the Honourable Member explain why the Reserve Bank is not engaging any funds in rediscounting and for discounting commercial paper?

**The Honourable Sir Jeremy Raisman:** I answered a question the other day on the extent to which the Reserve Bank comes to the assistance of other banks. I am afraid I cannot go into details of the policy in the matter of discounting various types of paper.

**Mr. Akhil Chandra Datta:** With reference to part (d), so far as the question of linking of the indigenous bankers with the Reserve Bank is concerned, is the Honourable Member aware that his most distinguished predecessor, Sir George Schuster was very strongly of the opinion that this is one of the greatest problems of India and that unless it was solved—in other words, unless the indigenous bankers were linked up with the Reserve Bank—it was impossible for the Reserve Bank to perform its functions as a central Bank, namely, full control of the currency and credit of the country?

**The Honourable Sir Jeremy Raisman:** I am aware that that was the attitude of the Government of the time. But a good deal has happened since then and various efforts have been made to find a solution of this difficult problem. The report of the bank that was published in 1937 gives some indication of the difficulties then encountered and the proposals of the bank to deal with them.

**Mr. Manu Subedar:** Will the question of the linking up of the indigenous bankers with the Reserve Bank be included in the consideration of the Banking Bill by the Select Committee?

**The Honourable Sir Jeremy Raisman:** I think the Committee would be undertaking a very difficult problem. As far as I remember I said at the time when I introduced that Bill that the Bill did not seek to tackle that particular problem because it was too difficult to be dealt with within the scope of such a measure.

**Mr. Akhil Chandra Datta:** Isn't it a fact that the greatest problem according to Sir George Schuster still remains unsolved and all attempts have been given up in that direction since 1941?

**The Honourable Sir Jeremy Raisman:** It is a fact that there are problems unsolved but that has not been for lack of efforts on the part of the Bank.

**Dr. Sir Zia Uddin Ahmad:** With reference to part (c) of the question, may I ask whether the Reserve Bank has reserved a certain amount for the development of rural areas by giving grants to rural banks as demanded during the discussion on the Reserve Bank and agreed to by the Government?

**The Honourable Sir Jeremy Raisman:** I should require notice of that question.

#### PERFORMANCE BY RESERVE BANK OF INDIA OF FUNCTIONS OF A CENTRAL BANK

1497. **Mr. Akhil Chandra Datta:** Will the Honourable the Finance Member please state whether the Reserve Bank is at present a representative of Agriculture, Trade, Industry and other business interests of India and whether it conforms to the ideal of a Central Bank so far as the representation on the controlling administration of the Banks is concerned?

**The Honourable Sir Jeremy Raisman:** The question is not quite clear but if the Honourable Member has in his mind the representation of agricultural and other interests on the Local Boards of the Bank, I would invite a reference to the proviso to section 9(1) of the Reserve Bank Act.

**Mr. Akhil Chandra Datta:** Is it a fact that the number of shareholders of the Reserve Bank is very fast decreasing and the bank is really coming into the hands of a group of shareholders and therefore it has ceased to be representative of all interests in the country?

**The Honourable Sir Jeremy Raisman:** The Honourable Member, I am afraid, is trenching very much on matters which can only be said to be expressions of opinions.

**Mr. Akhil Chandra Datta:** It is a fact, not an expression of opinion. I can give the figures.

**The Honourable Sir Jeremy Raisman:** . . . . But I seem to remember that some Legislation was undertaken in order to try and correct the tendency to which he referred.

**Mr. Akhil Chandra Datta:** Do the Government contemplate any action to restrict this tendency of the Bank going into the hands of a selected group of people.

**The Honourable Sir Jeremy Raisman:** Government have at present no plans for altering the constitution of the Board of the Reserve Bank.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether this fact that the shares are being concerned by a few individuals has come to the notice of the Government?

(No answer was given.)

**Mr. G. W. Tyson:** Is the Honourable the Finance Member aware that the shares of the Bank are getting into the hands of a few people in Bombay, and that the Bombay register is expanding very rapidly at the expense of the Calcutta and Madras registers.

**The Honourable Sir Jeremy Raisman:** Yes, Sir, there is a tendency. I cannot remember exactly at the moment, but I seem to remember that we brought before this House a measure in order to counteract to some extent its effect on the voting power.

#### EXAMINING OF WORKING OF RESERVE BANK OF INDIA

1498. **Mr. Akhil Chandra Datta:** Will the Honourable the Finance Member please state if Government propose to examine the working of the Reserve Bank and take steps for making suitable amendments in the Reserve Bank of India Act, 1934?

**The Honourable Sir Jeremy Raisman:** Government is in close touch with the working of the Bank and of the Reserve Bank Act and amendments to the Act are made whenever found necessary.

## FACILITIES RE IMPOET OF MACHINERY, ETC.

1499. \*Sri K. B. Jinaraja Hegde: Will the Honourable the Finance Member be pleased to state:

(a) whether he has seen the following passage in the presidential speech delivered by Sir M. Visveswarayya in the Fifth All-India Manufacturer's Conference in New Delhi on 24th February, 1945 (page 9): "what is needed is that the people of this country should have the same liberty to import machinery, to deal with foreign exchange, to obtain freight facilities in the same manner and to the same extent as the Dominion of Canada and Australia are doing at present";

(b) the difference between the liberty enjoyed by the Government of India and that enjoyed by Governments of Australia and Canada; and

(c) whether the Honourable Member has ever bargained on behalf of Government of India to obtain the same facilities as are enjoyed by Dominion Governments; if he has done so, with what results?

**The Honourable Sir Jeremy Raisman:** (a) Yes.

(b) and (c). India is, in these matters, in exactly the same position as the Dominions.

A difference arises, however, in the case of Canada from the fact that she is outside the sterling area, and her exchange problems are therefore of a different character from those of the other Dominions.

## COWS, ETC., KILLED FOR MILITARY PURPOSES

1500. \*Mr. Ram Narayan Singh: Will the War Secretary be pleased to state:

(a) the total number and also separately the number of cows, sheep and goats killed throughout the country for military purposes since 1939;

(b) the total number and also separately the number of these animals killed for the same purpose at Ramgir in the Hazaribagh District since 1939; and

(c) whether he is aware of the fact that there is a great dearth of milk and bullocks for agricultural purposes in the districts round about Ramgir; and if he propose to take any steps to remove these difficulties of the agriculturists there?

**Mr. C. M. Trivedi:** (a) I am unable to give figures showing the number of cows slaughtered since 1939, but the number of cattle slaughtered for military purpose during the five years from the beginning of 1940 to the beginning of 1945 is 859, 220. Similarly I am unable to give separate figures for sheep and goats but the total number of both slaughtered during 1942 and 1943 was about 20 lakhs.

(b) Information is being collected and a statement will be laid on the table.

(c) Government are aware that in some parts of the country milch cattle and bullocks for agricultural purposes are not available; but they have no specific information about the position in the districts round about Ramgir. Provinces have taken steps to prohibit the slaughter of useful cattle and steps are being taken to advise the cultivators to conserve their livestock.

**Mr. Manu Subedar:** Does the figure include those slaughtered by the military in their own organisations and also those killed by military contractors to supply meat?

**Mr. C. M. Trivedi:** It is a complete figure: it includes every thing.

## INTERNAL CENSORSHIP

1501. \*Sir Abdul Halim Ghaznavi: Will the War Secretary please state:

(a) whether internal letters are still being censored by the examiners of censorship;

(b) whether it is not a fact that the internal censorship was instituted at a time when Japanese aggression over India was imminent;

(c) having regard to the fact that the situation has now changed, whether it is not possible to withdraw the internal censorship, which is causing undue delay in the receipt of letters by the Indian public and at times causes delivery of letters to wrong addresses;

(d) the amount of expenditure incurred on the establishment of the department in charge of internal censorship; and

(e) whether he has considered the saving in expenditure that would result if the department is now abolished?

**Mr. C. M. Trivedi:** (a) and (b). Yes, Sir.

(c) Although an invasion of India is no longer imminent, the need for security is now even greater than before, since India has become an important base for operations against the Japanese.

(d) I regret that it is not possible to give separately the expenditure incurred on inland censorship, as the total staff available is employed to the best advantage on censorship of both inland and foreign correspondence.

(e) The continued breaches of security detected in the course of censorship provide ample evidence that the saving which would be effected if inland censorship were abolished would be more than offset by the increased loss of life of our sailors, soldiers and airmen which might result therefrom.

**Sir Muhammad Yamin Khan:** May I know whether this internal censorship is considered to be necessary at this time when there is no internal danger and the censorship has got no effect on the military?

**Mr. C. M. Trivedi:** I have given the answer that India is an important base of operations against the Japanese. The plans, etc., are being made here; so also the preparations for the offensive.

**Sir Muhammad Yamin Khan:** What is the idea in having this internal censorship as for instance censoring a letter going from Delhi to Meerut and coming from Meerut to Delhi and the letter being exchanged from one envelope to another?

**Mr. C. M. Trivedi:** I would invite the attention of the Honourable Member to the *press communique* which was issued on the subject on the 13th April, 1944, of which I will be pleased to give him a copy. That will show how and why this censorship was necessary.

**Sir Muhammad Yamin Khan:** Did the Honourable Member read the part relating to this in my speech on the Finance Bill?

(No answer was given.)

#### ARREST OF MR. PATANAİK A PILOT OF THE NATIONAL AIRWAYS

1502. **\*Mr. Abdul Qayyum:** (a) Will the Honourable the Home Member please state under what circumstances and for what offence was Mr. Patanaik, a pilot of the National Airways, arrested in Delhi and detained, and for how long he has been in detention?

(b) Is it a fact that he has lost fifty pounds in weight and that he is seriously ill, and if so, in which hospital is he being taken care of, and what is the latest medical report about his health?

(c) Has any application been made for his release on account of his health and on account of the fact that Government investigations did not disclose any serious reason for his detention?

(d) What kind of record of service and competence did this man have as a pilot, and whether his work, when he was working for the National Airways, was considered efficient and satisfactory?

**Sir Bishard Tottenham:** (a) The Honourable Member is referred to the reply given to Mr. Krishnamachari's question No. 860 on February 19th.

(b) Mr. Patanaik was admitted into the Mayo Hospital, Lahore, on March 8th, complaining of pain in the abdominal region. X-ray examinations have so far failed to indicate anything seriously amiss, but he is still under observation and further tests are being carried out.

(c) No application has been made for his release on account of his present illness, but the question will of course be considered if the state of his health renders it advisable. Government cannot accept the statements that their investigations did not disclose any serious reason for his detention.

(d) Mr. Patanaik was a very efficient pilot and did good work for Indian National Airways, but his record was not entirely unblemished.

**Mr. Abdul Qayyum:** With reference to part (c) of the question, may I know if any application demanding his release was received on ground other than ill health?

**Sir Richard Tottenham:** Applications have been received in the past not on grounds of health.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member if the wife of this detenu requested the Home Member for an interview and whether the interview was granted?

**Sir Richard Tottenham:** Mrs. Patanaik has had an interview.

**Mr. T. T. Krishnamachari:** Did she make any representations to the Honourable the Home Member?

**Sir Richard Tottenham:** Yes.

**Mr. T. T. Krishnamachari:** What was the result of those representations, may I know?

**Sir Richard Tottenham:** The representations are under consideration.

**Mr. Abdul Qayyum:** Is it a fact that Government investigations did not disclose such a case as could be brought before a court of law?

**Sir Richard Tottenham:** No, Sir.

**Mr. Manu Subedar:** In view of the fact that Mr. Patanaik is an efficient pilot, will Government make use of his services by releasing him so that he can be well as soon as possible?

**Sir Richard Tottenham:** I can assure the Honourable Member that his qualities as a pilot have been taken into very careful consideration by the authorities concerned.

**MR. VIDYA RATAN'S APPLICATION FOR SANCTION TO PROSECUTE SUB-INSPECTOR UDHAM SINGH**

†1503. **\*Mr. Kailash Bihari Lall:** Will the Honourable the Home Member be pleased to state:

(a) if it is a fact that one Mr. Vidya Ratan of Shahdara Delhi applied for obtaining the consent of the Governor General in Council under Section 270(1) of the Government of India Act 1935, for instituting civil and criminal proceedings against Sub-Inspector Udhram Singh of the Punjab Police for his having fabricated false evidence and having launched a malicious prosecution against him;

(b) if it is a fact that the Governor General in his discretion was pleased to grant consent under two separate orders one for the institution of civil proceedings by Vidya Ratan against Sub-Inspector Udhram Singh for compensation for alleged malicious prosecution and the other for the institution of criminal proceedings for alleged fabrication of false evidence and launching malicious prosecution;

(c) if it is a fact that the said Vidya Ratan applied in December, 1944, to the Deputy Commissioner, Delhi for relaxation of restrictions imposed on him to enable him to pursue civil and criminal proceedings against Sub-Inspector Udhram Singh;

(d) if it is a fact that no orders have been passed on the above petition of Vidya Ratan by the Deputy Commissioner;

(e) if it is not a fact that the courts, where the suits are to be filed, are beyond the limits of restrictions within which Vidya Ratan is confined; and

(f) if Government propose to remove restrictions at least to enable him to go to court and to the lawyers?

**Sir Richard Tottenham:** (a), (b) and (c). Yes.

(d), (e) and (f). I am informed that the Deputy Commissioner told Mr. Vidya Ratan some time ago that his restriction order would be relaxed so as to allow him to appear in court when necessary.

REQUISITE QUALIFICATION OF A SCHEDULED BANK UNDER SECTION 42  
OF THE RESERVE BANK OF INDIA ACT.

1504. \*Mr. Akhil Chandra Datta: Will the Honourable the Finance Member be pleased to state the requisite qualification of a Scheduled Bank under Section 42 of the Reserve Bank of India Act?

The Honourable Sir Jeremy Raisman: The requisite qualifications are stated in sub-section (6) of the section mentioned by the Honourable Member.

REQUISITE QUALIFICATION OF A SCHEDULED BANK UNDER SECTION 42  
OF THE RESERVE BANK OF INDIA ACT

1505. \*Mr. Akhil Chandra Datta: (a) Is the Honourable the Finance Member aware of the manner how the Reserve Bank at present calculates the value of Paid Up Capital for the purpose of Inclusion and Exclusion of Scheduled Banks under Section 42 of the Reserve Bank of India Act and how the Reserve Bank used to calculate this for some years immediately after the enactment of the Reserve Bank of India Act?

(b) Are Government aware of the Reserve Bank's interpretation of the words Paid Up Capital in Section 42 (6) of the Reserve Bank of India Act?

(c) Have Government issued any instructions to the Reserve Bank on this question?

(d) Do Government propose to consider the desirability of obtaining the opinion of the Federal Court in the matter?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) Yes.

(c) Yes. Government have instructed the Bank to follow the interpretation now being followed.

(d) No.

Mr. Akhil Chandra Datta: Is it a fact that from 1934 to 1940 there was one interpretation of the words 'Paid up capital', and that in 1940 Government decided to put a different interpretation on them, and that these two interpretations are substantially different?

The Honourable Sir Jeremy Raisman: It is a fact that prior to 1940 the words 'aggregate value' in Section 42(6) were held to mean book value. In that year, on the advice of the Advocate-General, the interpretation of that term was changed to real or exchangeable value. Some of the banks which got into the schedule under the original interpretation, could not stand the test of the second interpretation, and they have had to be inspected in order to see whether they should not be excluded from the list of Scheduled Banks.

Mr. Akhil Chandra Datta: Is it within the rights of Government to change the interpretation of a section at their pleasure without making any amendment of the Act?

The Honourable Sir Jeremy Raisman: This is a matter in which the interest of the public was also closely concerned. It was obviously impossible for the Reserve Bank to take the capital at a book value which has no relation whatsoever to its real value, and which meant that the criterion which the Legislature had deliberately included in the statute became entirely worthless. Therefore, it seemed to the Government of India that the other interpretation should be adopted.

Mr. Akhil Chandra Datta: Are Government aware that the two interpretations are fundamentally different?

The Honourable Sir Jeremy Raisman: Government are aware that the requirement that the aggregate value of capital and reserve should be of the real value or exchangeable value of Rs. 5 lakhs as opposed to book value is certainly a more realistic and stringent criterion.

Mr. Akhil Chandra Datta: Then amend the Act.

Mr. Manu Subedar: Since these are cases of hardships, will Government consider giving these people some time to adjust themselves and bring up the real value of the assets to the limit required by the Act?

**The Honourable Sir Jeremy Raisman:** That is precisely what has been done by the Bank. They have given the banks concerned time to conform to the new interpretation, but certain banks have been unable to conform, no matter how much time was given, that is to say, they were fundamentally unsound.

**Mr. Akhil Chandra Datta:** Is it a fact that on account of war development and consequent increase of prices banks have been unable to conform to this interpretation, and that the same conditions still continue, namely war development and consequent inflation of prices?

**The Honourable Sir Jeremy Raisman:** On my understanding of the matter the Reserve Bank has given the utmost reasonable latitude to banks to conform to requirements, and in doing so, they have taken into account the abnormal conditions at the present time. But they cannot allow conditions to continue indefinitely which are at variance with the requirements of sound banking.

#### CONSTITUTIONAL DEFECT RE MILITARY PENSIONS RULES

1506. **Mr. Ram Narayan Singh:** (a) Will the War Secretary be pleased to refer to his answer to Starred question No. 490 of the 22nd February, 1945, and state the statutory authority for dealing with the subject of 'Federal Pensions' falling under item 9 of the Legislative List No. (I) Government, of India Act 1935, in accordance with the rules contained in the pension Regulations for the Army in India (1940 Edition) instead of under a law passed by the Indian Legislature?

(b) Have these rules been published in the Official Gazette?

(c) Why the particular section of the Government of India Act, 1935, under which these regulations have been compiled, has remained unstated on the title page or elsewhere in these Regulations?

(d) Does he propose the publication of these rules in the Official Gazette, especially the rules which authorise "deductions", "stoppages" and "forfeitures" of Military rewards, reductions in Military pensions payable or earned by length of service, withholding of pensions payable to heirs of deceased Indian soldiers, whose death is brought about by accidents while on "active service"?

**Mr. C. M. Trivedi:** (a) As indicated in my answer to starred question No. 490 of the 22nd February 1945, the executive authority vested in Governor General in Council by the Government of India Act, 1935 extends to the regulation of the payment of pensions to, or in respect of, persons who have served in His Majesty's forces in India, and the Pensions Regulations referred to by the Honourable Member have been made in pursuance of that authority. It is not necessary and in the opinion of Government would be entirely inappropriate to promote Legislation on this subject matter.

(b) No, Sir. The Regulations have however been published in book form and may be obtained from the Manager of Publications.

(c) Any such citation would have been out of place.

(d) No, Sir.

**Mr. Ram Narayan Singh:** In the answer which has just now been referred to by the Honourable Member, he said that the question of pension is not a matter of right, but that it is a matter of gift or bounty. I want to know whether the Honourable Member still holds that view.

**Mr. C. M. Trivedi:** I said that pension is not a matter for legislation, and I hold that view still.

#### SUSPENSION OF CERTAIN PRINCIPLES RE ELIGIBILITY FOR WAR PENSIONS IN THE CASE OF INDIAN PERSONNEL

1507. **Mr. Ram Narayan Singh:** (a) Will the War Secretary be pleased to state if it is a fact that the principles contained in the Command Paper No. 6459 of July, 1943 issued by the Home Government with regard to eligibility of War Pensions, have been suspended for the purpose of applying them to Indian Personnel pending further instructions suited to Indian conditions resulting in unnecessary delay in the grant of death and disablement pensions?

(b) Does he propose to lay on the table of the House a copy of these changes "suited to Indian conditions"?

(c) Will he please state his authority for modifying or for deviating from the principles enunciated to in the Command Paper referred to in (a) under the guise "suited to Indian conditions"?

(d) Does he propose the grant of interim War Pensions pending formal sanction thereof?

**Mr. C. M. Trivedi:** (a) No. Sir.

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

#### STOPPING OF "JANGI INAMS"

1508. \***Mr. Ram Narayan Singh:** Will the War Secretary be pleased to state:

(a) whether it is a fact that 'Jangi Inams' tenable for two lives, originally sanctioned on account of distinguished and loyal services in the last war by the Governor General of India, have been stopped without any notification in the Controller's Pension Circular and without previous orders of the Governor General of India in exercise of his individual judgment as required under Section 300(2) of the Government of India Act, 1935;

(b) whether he proposes immediate continuance of these Jangi Inams to the legal heirs for the second life; and

(c) whether he proposes the continuance of these Jangi Inams with full arrears from the date of stoppage in cases in which the stoppage has been ordered by a non-judicial body without making reference to customs of the holder's community and to the Law of Inheritance and Succession; if not, why not?

**Mr. Ram Chandra:** (a) I know of no case in which a "Jangi Inam" has been stopped in contravention of the conditions under which it was granted.

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

**Mr. Ram Narayan Singh:** May I know if the Honourable Member will inquire why "Jangi Inams" have been stopped?

**Mr. Ram Chandra:** I do not think it is necessary to make any inquiries. No such case has come to my notice. If there is any such complaint it will come to the notice of the Indian Soldiers Board who will go into it and come to a definite decision.

**Mr. Ram Narayan Singh:** I said in my question there are cases like this. I want to know whether the Honourable Member will inquire whether there is any case in which "Jangi Inam" has been stopped.

**Mr. Ram Chandra:** If the Honourable Member will give any instance in which the "Jangi Inam" has been stopped in contravention of the conditions under which it was granted, I shall certainly be glad to inquire into it.

#### PROVISIONS RE FORFEITURES OF PAY AND ALLOWANCE OF ARMY PERSONNEL ON ACTIVE SERVICE

1509. \***Mr. Ram Narayan Singh:** Will the War Secretary be pleased to state:

(a) if he is aware that Section 48 (h) (g) of the Indian Army Act has been worded "on active service forfeiture of pay and allowance for a period not exceeding three months", and that every forfeiture is subject to conviction by a Court Martial; if he is also aware that in the Pay and Allowance Regulations for the Army in India, both these restrictions have disappeared, and forfeitures of over fifteen years of service have been ordered by a non-judicial body;

(b) whether there has been any statutory authority for the forfeitures, referred to in (a) above; and

(c) whether he proposes revision of cases referred to in (a) above?

**Mr. C. M. Trivedi:** (a) As regards the first part, the answer is "yes". As regards the second part, however, I fear I do not follow the Honourable Member's general reference to forfeitures of over fifteen years' service being ordered by a non-judicial body under the Pay and Allowance Regulations for the Army in India. If the Honourable Member will let me have a specific instance, I will be glad to make enquiries.

(b) and (c). Do not arise, in view of my reply to part (a).

**PLAN FOR EQUALIZATION OF DISPARITIES OF REMUNERATION FOR  
AGRICULTURAL AND INDUSTRIAL CLASSES**

**1510. \*Prof. N. G. Ranga:** Will the Honourable Member for Planning and Development be pleased to state:

(a) if it is one of the objectives of Post-War Planning to minimise the present disparities in the income and wealth of agricultural masses on one side and industrial and commercial classes on the other and to equalise the remuneration to be got unit for unit of labour contribution made by the people by the plough and the machine; and

(b) if the answer to (a) be in the negative, what the policy of Government regarding the prevailing inequalities of remuneration for agricultural and industrial classes is?

**The Honourable Sir Ardeshir Dalal:** (a) and (b). It would be one of the objects of post-war planning to reduce the present marked disparity in the income of agricultural labour as compared with that of industrial labour. While it is not practicable to equalise the remuneration of all classes according to unit for unit of labour contribution, the successful execution of the agricultural and other plans now under contemplation should tend towards reducing the disparity.

**Prof. N. G. Ranga:** Will this be kept in mind by the Post-War Planning and Development Department and its Panels?

**The Honourable Sir Ardeshir Dalal:** The object is to reduce the very marked disparity, but we do not say that we shall arrive at an equalisation of agricultural and industrial incomes.

**MILITARY PUNISHMENT OF REDUCING TO LOWER RANK FOR CERTAIN CORPS**

**1511. \*Sri K. B. Sinaraja Hegde:** Will the War Secretary be pleased to state:

(a) whether it is a fact that 'active rank', 'relative rank' and rank assigned to Viceroy's Commissioned Officers attached with Camel Corps, Bullock Corps, or Labour Corps serving in 'active service' areas overseas, Waziristan, or Baluchistan, in the last War, although duly notified in Army Lists, or Daily Order Part II or other regimental records, have been reduced, without taking recourse to Court Martial, to a rank next lower (and in some cases to the lowest) to the one which had actually been assigned to the individual and had been carried by him right up to the date of demobilization or the date of invalidment of the rank-holder on medical grounds;

(b) whether for the infliction of punishments in (a), any jurisdiction had been vested in the Controller of Military Accounts or the Military Accountant General or the Government of India and whether any law or Army Instruction, in justification and validation of these punishments, have been made;

(c) whether he is aware that revision of these punishments have been refused and petitions submitted to the Governor General under the provisions of Section 180 (2) (d) of the Army Act have been withheld and names of the individuals, who wrote such revision-petitions for the victims, have been demanded; and

(d) whether he proposes immediate revision of these cases taking the instance within brackets as reference [Letter No. G2/14913, dated the 17th February 1948 of the Deputy Controller of Military Accounts (Pensions) to the address of the Officer Commanding 16th Punjab Regiment]?

**Mr. O. M. Trivedi:** (a) and (b). I regret I do not understand the Honourable Member's reference to "active" and "relative" ranks. If the ranks referred to by him are equivalent to the "acting" rank granted during this war, the Commanding Officer is competent to deprive a Viceroy's Commissioned Officer of acting rank. This is done administratively and is not a punishment. Punishments can only be awarded to Viceroy's Commissioned Officers in accordance with the Indian Army Act and for this purpose neither the Controller of Military Accounts nor the Military Accountant General has any powers.

(c) As regards the first part, a Viceroy's Commissioned Officer has no right of complaint under Section 180 (2) (d), of the Army Act, but when a petition is submitted under an incorrect section, it is returned to the complainant for correct submission. As regards the second part, if the Honourable Member can quote a specific instance of this nature, I shall be very glad to make enquiries.

(d) I have not seen the letter in question but have called for a copy if it. If the case of this letter has not been covered by the answers to parts (a) to (c) above, a statement will be laid on the table in due course.

**REFUSAL TO REVISE CASES TURNED DOWN BY AUTHORITIES AT GENERAL HEADQUARTERS**

**1512. \*Sri K. B. Jinaraja Hegde:** Will the War Secretary be pleased to state:

(a) whether it is a fact that there has been a persistent refusal to revise or review cases, once turned down summarily by the authorities at the General Head Quarters without hearing the adverse party and without reference to post-war instructions contained in Army Instruction (India) 1056 of 1922. Government orders on the Recommendations of the Informal Committee on War Pensions and Amendment No. 13 of 1941 to Pension Regulations; and

(b) whether he proposes any action taking letter No. G3/16455, dated the 6th March, 1945 from the C.M.A. (P) Lahore to the address of the Officer Incharge I.A.C. Records as an instance for the allegations in (a)?

**Mr. C. M. Trivedi:** (a) and (b). It is not clear to me precisely what type of case the Honourable Member has in mind, but I assume that the letter from the Controller of Military Accounts and Pensions to which he refers, is the guide. My attention has not been drawn previously to that letter; I have called for a copy of it, and will lay a statement on the table in due course.

**DISCRIMINATION AS REGARDS SPECIAL RATE OF PENSION TO VICEROY'S COMMISSIONED OFFICERS, ETC.**

**1513. \*Sri K. B. Jinaraja Hegde:** Will the War Secretary be pleased to state:

(a) whether it is a fact that special rate of pension payable in accordance with the Schedule given in para. 206 (II) (b) of the Pay and Allowance Regulations for the Army in India, to Viceroy's Commissioned Officers and non-Commissioned Officers, has been refused after discharging them with the order: "Service no longer required" while under similar circumstances the rate of pension to officers and Non-Commissioned Officers, subject to Army Act, has remained unaffected;

(b) whether there is any statutory authority for this discrimination; and

(c) whether he proposes to remove this discrimination; if so, when and how?

**Mr. C. M. Trivedi:** (a) I am not aware of any case in which a special pension admissible to a Viceroy's Commissioned Officer and Non-Commissioned Officer under the provisions of paragraph 206 (II) (b), read with paragraph 198, Pension Regulations (1928 edition) has been refused on the ground of discharge on account of "services no longer required."

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

**DISCRIMINATION AS REGARDS "STOPPAGES" ETC., IN THE CASE OF INDIAN PERSONNELS OF HIS MAJESTY'S FORCES**

**†1514. \*Sri K. B. Jinaraja Hegde:** Will the War Secretary be pleased to state:

(a) whether it is a fact that "stoppages", "forfeitures", and "deductions" over and above those specified in the Army Act, Indian Army Act and the War Pensions Acts, 1915 to 1920, have been incorporated in paras. 569, 570, 578, notes to para. 591 (II), 611, 620 and sub-paras. (i), (ii), (iii) (iv) and (v) to para. 680 of the Pay and Allowance Regulations for the Army in India and in corresponding subsequent regulations and these 'deductions' etc. have been enforced in the case of the Indian Personnels as distinct from Non-Indian Personnel of His Majesty's regular forces; and

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

(b) whether he proposes to remove this discrimination; if not, why not?

**Mr. C. M. Trivedi:** (a) I fear I have not been able to follow the Honourable Member's references to the Pay and Allowance Regulations for the Army in India. In the current edition of these Regulations none of the paragraphs quoted by the Honourable Member relates to "stoppages", "forfeitures" or "deductions", except possibly paragraph 630, which provides for the withholding of reserve pay from reservists in certain circumstances. I may, however, assure the Honourable Member that the provisions of the Army Act and the Indian Army Act, in so far as they are relevant, have not been modified by departmental rules and regulations to the detriment of Indian as opposed to non-Indian personnel.

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

STOPPING OF DEATH AND DISABLEMENT PENSIONS, JANGI INAMS, ETC.

†1515. \***Sri K. B. Jinaraja Hegde:** Will the War Secretary be pleased to state:

(a) whether it is a fact that death and disablement pensions, Jangi Inams and Military rewards including Victoria Cross Allowance, once notified in the Controller of Military Accounts' Pension Circulars have been stopped without issuing a Counter Pension Circular and the Pension Certificates have been taken from the possession of the respective pensioners or heirs to those recipients while revision petitions have been prejudiced because the reference contained in those pension certificates taken back by the authorities could not be produced by the pensioner or by the heir to these pensions; and

(b) whether he proposes to lay down a definite procedure for the revision of such cases doing away with the necessity of explanation for delay?

**Mr. C. M. Trivedi:** (a) I have no knowledge of any such case, but if the Honourable Member will quote a specific instance, I shall be glad to make enquiries.

(b) Does not arise in view of my reply to part (a).

EMERGENCY CADRE OF INDIAN AUDIT AND ACCOUNTS SERVICES

1516. \***Mr. Hari Sharan Prasad Srivastava:** Will the Honourable the Finance Member please state:

(a) if it is a fact that the Emergency Cadre of the Indian Audit and Accounts Services is formed by promoting Assistant Accounts Officers;

(b) if it is a fact that they are required to discharge the same duties as they were performing as Assistant Accounts Officer; and

(c) if the replies to (a) and (b) be in the affirmative, the reasons for this additional expenditure to the tax-payers?

**The Honourable Sir Jeremy Raisman:** (a) The Emergency Cadre of the Indian Audit and Accounts Service is formed by promoting selected Assistant Accounts Officers and members of the Subordinate Accounts Service who are suitable for promotion to this Cadre.

(b) No: Officers of the Emergency Cadre perform duties which before the war were performed by regular members of the Indian Audit and Accounts Service.

(c) In view of the answer given to part (b) above, this question does not arise.

**Mr. T. S. Avinashilingam Chettiar:** What is the object in forming this cadre?

**The Honourable Sir Jeremy Raisman:** I see it is called an emergency cadre and so I presume it is formed in order to deal with an emergency, namely, the emergency due to the shortage of officers of the required status.

**Mr. T. S. Avinashilingam Chettiar:** May I know if there is a shortage, how making them into a cadre helps you to get over the difficulty?

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

**The Honourable Sir Jeremy Raisman:** I am afraid I shall require notice of any further questions. I am not familiar with the details of this establishment.

**Mr. T. T. Krishnamachari:** Will the Honourable Member tell us the strength of this cadre?

**The Honourable Sir Jeremy Raisman:** No; I have not got that.

#### MEASURES FOR SAFETY OF PASSENGERS BY THROUGH QUEENS GARDEN, DELHI

1517. **\*Mr. Hari Sharan Prasad Srivastava:** (a) Will the Honourable the Home Member please state the measures taken for the safety of persons passing through roads in the Queens Garden, Delhi City?

(b) Are these roads regularly patrolled by the Police day and night?

(c) Is the constable on duty in that locality accessible at all times?

**Sir Richard Tottenham:** (a), (b) and (c). The Queen's Garden is covered by police patrols in the same way as other parts of the Delhi urban area.

**Mr. Badri Dutt Pande:** As in this part of the city there have been many complaints of robberies, and hold ups even in day time, will the Honourable Member look into the matter and set things right?

**Sir Richard Tottenham:** I will bring the matter to the notice of the Chief Commissioner.

#### PROSECUTIONS IN DELHI PROVINCE UNDER ORDINANCE NO. XXXV OF 1943

1518. **\*Mr. Hari Sharan Prasad Srivastava:** Will the Honourable the Home Member please state:

(a) the number of cases challaned in the Delhi Province under Ordinance No. XXXV of 1943 since its operation;

(b) the number of those who were acquitted on the strength that the selling prices had received the approval of the authorities; and

(c) the action taken against the staff who have harassed the dealers; if no action has been taken, the reasons therefor?

**Sir Richard Tottenham:** The question should be addressed to the Member in charge of industries and Civil Supplies Department.

#### RESEARCHES RE MANUFACTURING RADIO SETS

1519. **\*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Planning and Development please state:

(a) whether Government have been conducting researches over the matter of manufacturing radio sets in India;

(b) where and since when these researches are being made; and

(c) what has been the result of these researches?

**The Honourable Sir Ardeshir Dalal:** (a) and (b). These researches are being conducted by the Council of Scientific and Industrial Research at the Indian Institute of Science since 1940 and at the Allahabad University since 1941.

(c) Satisfactory progress has been made in the design and manufacture of various components but certain essential parts, e.g., valves, have still got to be imported. Further work is in progress.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether the Government contemplate or expect that cheap radio sets will be manufactured in this country?

**The Honourable Sir Ardeshir Dalal:** That is so. As a matter of fact it is possible even now, with the parts which have already been designed to set up cheap radio sets, but there are, as I said, one or two essential parts, particularly valves, which have not yet been manufactured in this country.

**Mr. T. S. Avinashilingam Chettiar:** Is it the intention of the Government to set up a radio manufacturing factory?

**The Honourable Sir Ardeshir Dalal:** No.

#### EXPENDITURE IN COLLECTION OF EXCISE DUTY ON BRETTEL-NUT

1520. **\*Shrimati K. Radha Bai Subbarayan:** Will the Honourable the Finance Member please state:

(a) the approximate annual expenditure involved in the collection of the excise duty on betel-nut;

(b) if in view of the difficulties and heavy expense involved in the matter of collection of this duty and of the hardship caused to the poor, Government propose to abolish this excise duty;

(c) in order to compensate the loss to the revenues by the abolition of excise duty on betel-nut, if Government propose, to levy an excise duty on luxuries like lip-stick, rouge, scents and other cosmetics; and

(d) if the answers to (b) and (c) are in the negative, the reasons therefor?

**The Honourable Sir Jeremy Raisman:** (a) About rupees seven lakhs per annum.

(b) No. The difficulties are not excessive, the cost of collection amounts to only five per cent. of the revenue which the tax is expected to yield, and I do not agree that the tax has caused hardship to the poor.

(c) and (d). Toilet articles of the kind referred to are mainly imported from abroad and are subjected to a high Customs duty.

**Mr. T. T. Krishnamachari:** Will the Honourable Member tell us if he can indicate exactly what is the yield of this duty for the year 1944-45? At the time of the introduction of the Budget he estimated it at a crore, which, I believe was a lump sum. Will the Honourable Member tell us what it is exactly?

**The Honourable Sir Jeremy Raisman:** I am afraid I have not got later figures. One crore may have been a lump sum, but it may still be reasonably accurate figure.

**Shrimati K. Radha Bai Subbarayan:** Is it not a fact that these toilet articles are manufactured in India also?

**The Honourable Sir Jeremy Raisman:** I think that question should be addressed to my Honourable friend the Member for Industries.

### SHORT NOTICE QUESTIONS AND ANSWERS

#### ERECTION OF WALL ROUND A MOSQUE IN KAROL BAGH, DELHI

**Maulvi Muhammad Abdul Ghani:** Will the Honourable the Labour Member please state:

(a) whether he is aware that under the Delhi Muslim Wakfs Act (XIII of 1948), there has been established a Sunni Majlis-e-Awakaf; if so, whether the said Sunni Majlis-e-Awakaf is the sole Administrator of all the Wakfs in the Province of Delhi;

(b) whether he is aware of the existence of an old mosque and a grave yard attached to it in the Karol Bagh area in New Delhi near the recently constructed Government quarters and that the Muslims do offer their prayers therein;

(c) whether it is a fact that the Central Public Works Department intends to enclose the said mosque by erecting a wall around it and thereby stopping ingress of Muslims in it for offering their prayers;

(d) whether his Department has sought the permission of the Sunni Majlis-e-Awakaf to erect a wall around it;

(e) whether it is a fact that on the objections of the Mussalmans offering their prayers in the said mosque the contractor and men of the said Central Public Works Department have left the work; and

(f) What the intention is of the Central Public Works Department now?

**The Honourable Dr. B. R. Ambedkar:** (a) Yes.

(b) I am not aware of the existence of any old mosque although evidence of an old and unused grave-yard is visible near the recently constructed Government quarters in Karol Bagh. But I am aware of the fact that some Muslim residents of this area have recently built a pucca platform with a thatched roof and an enclosure on this area and say their prayers in this structure.

(c) In consultation with the Local Administration, Government have proposed to wall off this area in order to prevent encroachment on this Government land by either the Muslims or the Hindus. In deference to the representations received from representatives of the Muslim community this proposal has been now held in abeyance pending clarification of the legal issues involved.

(d) In view of my reply to question (b) this question does not arise.

(e) The Honourable Member is referred to my reply to question (c).

(f) The Honourable Member is referred to my reply to question (c).

**Sir Muhammad Yamin Khan:** When the Honourable Member says that the Government has decided to build a wall to stop people going on this Government land, may I ask how does it become Government land? When it is a grave-yard, how does the Honourable Member say that it is Government land?

**The Honourable Dr. B. E. Ambedkar:** As at present advised the Government regard this to be Government land; but I am obtaining legal opinion on it.

**Sir Muhammad Yamin Khan:** Does the Honourable Member call all the English cemeteries and the Hindu Cremation ground as belonging to the Government?

**The Honourable Dr. B. E. Ambedkar:** As I said, I am asking for legal opinion.

**Sir Muhammad Yamin Khan:** But the Honourable Member has himself said that there is a grave-yard and at the same time he calls it as Government land?

**The Honourable Dr. B. E. Ambedkar:** That is the position as Government is advised at present.

**Sir Muhammad Yamin Khan:** By whom?

**Mr. President (The Honourable Sir Abdur Rahim):** The Honourable Member has already said that he was taking legal opinion.

**Sir Muhammad Yamin Khan:** By whom is he advised?

**The Honourable Dr. B. E. Ambedkar:** By those who are entitled to advise Government.

**Maulvi Muhammad Abdul Ghani:** May I know whether Government has made an acquisition of that portion of the land to which the Honourable Member refers as a grave-yard and mosque.

**The Honourable Dr. B. E. Ambedkar:** It is unnecessary to acquire.

**Sir Muhammad Yamin Khan:** It can never be acquired.

#### JUNGSHAHI RAILWAY ACCIDENT

**Seth Yusuf Abdoola Haroon:** Will the Honourable Member for Railways please state:

(a) the total number of people killed, in the Jungshahi Railway accident which occurred very recently;

(b) the total number of people who have been seriously injured;

(c) whether Government propose to appoint an Inquiry Committee to deal with the matter;

(d) whether it is a fact that the Government of Sind has appointed the Collector of Karachi to hold an inquiry;

(e) what steps Government propose to take to give immediate and adequate relief to the victims of the disaster; and

(f) the details of relief so far given?

**The Honourable Sir Edward Benthall:** (a) and (b). The latest information to hand shows that the casualties were 24 killed and 42 injured, who were admitted into hospital for treatment. Of these, six have been discharged, and the remaining 36 are reported to be out of danger.

(c) The Government Inspector of Railways (Post and Air Department) began his Enquiry on the 27th March.

(d) The rules framed under Section 84 of the Indian Railways Act, 1890 provide that a Provincial Government may appoint a District or any other Magistrate to enquire into the causes which led to the accident, I have as yet no definite information that the Sind Government propose to exercise their option in this case.

(e) and (f). Immediately after the accident, while first aid was being administered wherever possible, medical help was requisitioned from Tatta, 12 miles away from Jungshahi. The military personnel on the train rendered valuable aid to the injured. Government have read with appreciation of the help reported to have been rendered by Dr. Khaksar, a passenger on the train, by Dr. Bhagwandas of Jungshahi, and by members of the Jungshahi Sava Mandal,

who attended to persons with minor injuries. Those with more serious injuries requiring hospital treatment were evacuated from the site of the accident within 4 hours of its occurrence. Arrangements had meanwhile been made to have in readiness Military, Civil and Railway Ambulances at Karachi Cantt. Station, with the result that all injured persons, then numbering 48, were admitted into the Civil Hospital by 9.55 hours. These complete arrangements had already been made for their admission, and they are receiving the best possible medical treatment. I regret to say that Six succumbed to their injuries, but of the remaining 42, I am glad to be able to report that, according to the latest information to hand, Six have been discharged and 86 are still under treatment but are reported to be out of danger.

The Railway Administration are meeting all the charges for hospital treatment. They have also set in train the necessary arrangements for the prompt payment of compensation to the injured and to the dependents of those who lost their lives.

**Mr. Lalchand Navalrai:** Has the Honourable Member got details of those persons who have been killed and those that are in the hospital?

**The Honourable Sir Edward Benthall:** I have certain details, not full details.

**Mr. Lalchand Navalrai:** Will the Honourable Member lay on the table a list of those killed and injured who are in the hospital?

**The Honourable Sir Edward Benthall:** Perhaps it will suffice if I arrange to communicate them to the Honourable Member.

**Mr. Lalchand Navalrai:** May I know if the District Magistrate is making inquiries along with the railway officials or separately? I mean the District Magistrate who has been deputed by the Sind Government?

**The Honourable Sir Edward Benthall:** There was an I.C.S. officer present at the initial inquiry, by the Chief Operating Superintendent but as yet there is no information as to whether the Sind Government propose to set up a formal inquiry.

**Seth Yusuf Abdoola Haroon:** May I know if the Honourable Member proposes to lay a copy of the report of the inquiry committee on the table of this House?

**The Honourable Sir Edward Benthall:** That question should be addressed to the Posts and Air Department.

#### MOTIONS FOR ADJOURNMENT.

##### PREVENTION OF WORSHIP IN HINDU TEMPLES CONSEQUENT ON REQUISITIONING OF PROPERTY FOR MILITARY PURPOSES AT KUMBLA.

**Mr. President (The Honourable Sir Abdur Rahim):** I have received notice of an adjournment motion from Mr. Hegde. He wishes to discuss a definite matter of urgent public importance, namely, prevention of worship in Hindu temples as a result of requisitioning of property for military purposes at Kumbla in the district of South Kanara.

I should like to know whether any order has been issued prohibiting worship in these temples and if so, by whom?

**Sri K. B. Jinaraja Hegde (West Coast and Nilgiris: Non-Muhammadan Rural):** I have received the telegram saying 'Kumbla temples, no worship'. In connection with these temples, I had asked a question earlier and the War Secretary was pleased to reply that permits were being given but subsequent to that, a week later, I received this telegram saying that worship is not allowed in these temples within the requisitioned area.

**Mr. Ram Chandra (Secretary, Defence Department):** When the Honourable Member asked this question on the 19th March, I gave the reply that access was allowed to worshippers on permits. This information was supplied to me by the Madras Government on the 18th March, and this system under which worshippers are allowed to go into temples after obtaining the necessary permits was introduced long ago, some six months ago, when the area in which

these temples are situated was declared a protected place. I have had no other information since the 13th March, from the Madras Government saying that there has been any change in the system that was then adopted and I have no reason to think that there has been any further interference with the rights of the worshippers.

**Sri K. B. Jinaraja Hegde:** It is a wrong information. The land was requisitioned only in the month of January and it came into military possession from 1st February. How could the permits be issued six months ago?

**Mr. Ram Chandra:** The land may not have been requisitioned until January or February but it was declared a protected place before under the Defence of India Rules and worship in the temples was then regulated by means of permits.

**Mr. President** (The Honourable Sir Abdur Rahim): On the facts as stated by the Honourable Member, I must hold that the matter is not urgent, nor is it a recent matter.

#### INDISCRIMINATE REQUISITIONING OF FOODGRAINS RESULTING IN FOOD SCARCITY IN SOUTH KANARA DISTRICT.

**Mr. President** (The Honourable Sir Abdur Rahim): I have also received notice of another adjournment motion from Mr. Hegde who wishes to discuss a definite matter of urgent public importance, namely, failure of the Government of India to prevent the indiscriminate and excessive requisitioning of foodgrains under threat of prosecution resulting in scarcity of food and enforced starvation for two days in a week in South Kanara district.

Is the starvation confined only to two days in a week? What does the Honourable Member exactly mean by this motion. It is rather difficult to follow. What is the order he is complaining of? Has he got the order?

**Sri K. B. Jinaraja Hegde** (West Coast and Nilgiris: Non-Muhammadan Rural): I have got a telegram which says: "Indiscriminate and excessive requisitioning of foodgrains. Petitions summarily rejected. Ryots threatened prosecution. Rations only for five days in a week".

The Food Member requested me that this matter might be taken up tomorrow as he is not here.

**The Honourable Sir Jwala Prasad Srivastava** (Food Member): No, no. I am here. Requisitioning as a method of procurement is the function of the Provincial Government and we are not primarily concerned with it. I have made inquiries, however, from Madras and I find that the complaint is a gross exaggeration. The facts are not as stated. I am making further inquiries. There is no special urgency in the matter. I can assure the Honourable Member that no one is starving.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): What about two days' starvation?

**The Honourable Sir Jwala Prasad Srivastava:** That is not a fact, as far as I have been able to ascertain.

**Mr. T. S. Avinashlingam Chettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): What are the facts? Is it true that rations are given only for 5 days in the week?

**The Honourable Sir Jwala Prasad Srivastava:** No I don't think so. My report is that it is not so.

**Mr. Abdul Qayyum** (North-West Frontier Province General): Is the Honourable Member prepared to state on the floor of the House that people are getting rations for the full week?

**The Honourable Sir Jwala Prasad Srivastava:** They are getting rations sufficient for the full week. That is my report so far. I am going further into the matter and I shall let my Honourable friend Mr. Hegde know what the facts are.

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): Will the Honourable Member inform us about the facts before the end of this Session?

**The Honourable Sir Jwala Prasad Srivastava:** I will do so. In any case, there is no urgency in the matter. It is not a new order, this has been going on for some time.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether the Honourable Member has got definite information that people are being given rations for seven days in the week.

**The Honourable Sir Jwala Prasad Srivastava:** I have already said so.

**Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural):** I understood the Honourable Member to say that it is not a new order . . . . .

**Mr. President (The Honourable Sir Abdur Rahim):** Order, order. As stated by the Government Member this cannot be treated as an urgent matter within the meaning of the rule. Besides, the Honourable Member has assured the House that he is making further enquiries and ascertaining what the exact facts are. In the meantime, so far as his information goes, the statement contained in the motion for adjournment is grossly exaggerated and I hold that the motion cannot be allowed.

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**DEPUTATION OF THE HOME MEMBER AND THE HOME DEPARTMENT SECRETARY TO LONDON FOR CONSULTATION RE. RECRUITMENT TO ALL-INDIA SERVICES.**

**Mr. President (The Honourable Sir Abdur Rahim):** I have received notice of an adjournment motion from Mr. Neogy. He desires to move an adjournment of the business of the Legislative Assembly today for the purpose of discussing a definite matter of urgent public importance, namely, the recent deputation of the Honourable the Home Member and the Secretary to the Government of India in the Home Department to London for consultation regarding recruitment to certain all-India services.

What is the position? Can the Government Member give any further information?

**Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural):** With your permission, I should like to make a few remarks. It will be within your recollection, Sir, that certain questions were asked in this House on 10th February, last regarding the position of certain services which are referred to in section 244 of the Government of India Act, and particular reference was made to the question of recruitment in future. Subsequently on 12th February, my Honourable friend Nawab Siddique Ali Khan attempted to move the adjournment of the House for the purpose of raising certain aspects of that question in debate. On both these occasions, the attitude taken up by the Government was that this was a matter which was entirely within the discretion of the Governor General, and it was no part of the function of the Governor General in Council to advise the Governor General in this matter. Having regard to the fact that the Honourable the Home Member, as also the Secretary to the Home Department, have proceeded to England, admittedly for consultation in regard to this matter, we are entitled to take it that the Governor General in Council had made up their minds to offer certain opinions of their own to the Governor General or that the Governor General has decided to consult the Governor General in Council in regard to this matter. Well, Sir, in view of this, I do submit that the House is entitled, first of all, to know from the Governor General in Council what opinions they hold in regard to this matter, and then to criticise them, if necessary.

**Mr. President (The Honourable Sir Abdur Rahim):** The Honourable Member may be entitled to get information on that point, but I do not know whether he is entitled to move for adjournment of the business of the House for that purpose. Perhaps the Home Secretary will be able to explain the position?

**Sir Richard Tottenham (Government of India: Nominated Official):** Sir, I am rather at a disadvantage in speaking on this matter because the subject is one with which I was not concerned in my previous capacity, and I only received notice of the adjournment motion as I came to this House this morning. I think Government must take objection to the motion on the ground that there is nothing to censure Government about in having allowed the Home Member and the Home Secretary to proceed to London for consultation regarding recruitment to the services in question. They are Secretary of State's services, under

his control, and wherever the constitutional responsibility may lie for decisions relating to them, I can see no impropriety in the Secretary of State's asking for the advice of anybody he wishes on a matter of that kind.

**Mr. President** (The Honourable Sir Abdur Rahim): The complaint of Mr. Neogy was that on a former occasion, the attitude taken up was that it was the business of the Governor General, to deal with this matter in his discretion and it was not incumbent on the Governor General in Council to give any advice, in that respect. The present position is inconsistent with that.

**Sir Richard Tottenham**: I take it that it is open to the Governor General to take advice from anybody he likes although the responsibility for the decision may be entirely his. That is the constitutional position, as I understand it.

**Mr. President** (The Honourable Sir Abdur Rahim): Whatever may be the exact constitutional position as regards the Governor General acting in his discretion with reference to the matter of Secretary of State's services, I cannot hold that there is anything improper on the part of the Home Member going to England for the purpose of consultation with respect to certain all-India services as stated in the adjournment motion. Unless there is anything objectionable in that, I do not think the Honourable Member can move for adjournment of the business of the House in order to censure the Government. Therefore I must hold that the motion is not in order.

**Mr. K. O. Neogy**: May I know whether the Government would be prepared to accept a short notice question which might enable us to elicit information, in the first instance?

**Mr. President** (The Honourable Sir Abdur Rahim): I think the Honourable Member can, if he is so advised, put down a short notice question. The Government will doubtless consider it.

#### ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR DEFENCE DEPARTMENT

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Thursday, the 29th March, 1945, the time fixed for receiving nominations for the Standing Committee for the Defence Department on subjects other than Civil Defence twelve nominations were received. Subsequently four Members withdrew their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare Lt.-Col. Dr. J. C. Chatterjee, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Muazzam Sahib Bahadur, Sardar Bahadur Captain Dalpat Singh, Mr. M. Ghiasuddin, Mr. C. P. Lawson, Mr. Govind V. Deshmukh and Mr. E. L. C. Gwilt to be duly elected.

#### THE INCOME-TAX AND EXCESS PROFITS TAX (AMENDMENT BILL)

**The Honourable Sir Jeremy Baisman** (Finance Member): Sir, I regret I am not in a position to move this motion\*. Therefore, I do not move it.

#### RESOLUTION RE AMENDMENTS OF RESOLUTION ON ROAD DEVELOPMENT

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

"That this Assembly recommends to the Governor General in Council that the following amendments be made in sub-paragraph (1) of paragraph 9 of the Resolution on road development adopted by the Assembly on the 10th February, 1937, namely:

In clause (c) for the word 'three' the word 'four' and in clause (d) for the word 'six' the word 'eight' shall be substituted."

The House will remember that on the 15th March, I moved for the election of members to the Standing Committee for Roads, and my Honourable friend Mr. Essak Sait moved an amendment that the numbers be increased from six to eight. I pointed out that in view of the fact that these elections were conducted in pursuance of the Resolution of the House referred to, it would be proper that a formal Resolution should be moved altering the figures from

\*"That the Bill further to amend the Indian Income-tax Act, 1922, the Excess Profit Tax Act, 1940, as reported by the Select Committee, be taken into consideration."

[Sir Edward Benthall.]

'six' to 'eight'. You, Sir, ruled that that was so, and in order to put the matter right I am now moving the present Resolution. If it is agreed to I shall move for the election of the number of eight as provided in the order paper.

• Sir, I move. •

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

"That this Assembly recommends to the Governor General in Council that the following amendments be made in sub-paragraph (1) of paragraph 9 of the Resolution on road development adopted by the Assembly on the 10th February, 1937, namely:

In clause (c) for the word 'three' the word 'four' and in clause (d) for the word 'six' the word 'eight' shall be substituted."

The motion was adopted.

### ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

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

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct, eight members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund and such other questions relating to roads and road traffic as may be referred to it during the financial year 1945-46."

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

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct, eight members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund and such other questions relating to roads and road traffic as may be referred to it during the financial year 1945-46."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of Members to the Standing Committee for Roads, the Notice Office will be open to receive nominations upto 12 Noon on Wednesday, the 4th April, and that the election, if necessary, will be held on Friday, the 6th April. The election, which will be conducted in accordance with the Regulations for the holding of elections by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, between the hours of 10-80 a.m. and 1 p.m.

### THE FACTORIES (SECOND AMENDMENT) BILL—contd.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, regarding the question of holidays with pay, my Honourable friend Mr. Joshi had an amendment to raise it to fourteen days but he withdrew it in favour of my amendment advocating ten days. I appeal to the Honourable Member in charge of this department that he should at least accept my amendment for ten days. The reason is that Government servants get all kinds of holidays like casual leave, privilege leave, leave on medical certificate and various other kinds of leave. Thus persons who get high salaries and work less are shown all kinds of amenities; the seven days' holiday that is provided in the Bill is only intended to be of the nature of a depreciation of human values. A machine is allowed depreciation every year, and so much under the Income-tax Acts, and so on; but no attention is paid to depreciation of human personalities. I only appeal to the Honourable Member in charge and to the Honourable Members of this House that seven days' holidays is much too short, whatever may be said by capitalists who are making large profits now. There is a shortage of coal and they can now command any prices they like and thus they are making large profits. Therefore I appeal to the House to support my amendment raising seven days to ten days. The workers are all heavily worked and under-paid and if they are not given at least ten days every year their lives will be cut short. The average life in this country is only 26 years and if that also goes down to 10

or 11 it will be a disgrace to the administration of this country. I therefore appeal to the House to support this amendment.

**Mr. A. C. Inskip** (United Provinces: European): Sir, in rising to oppose this amendment I should like to correct a statement which my Honourable friend Mr. Joshi made on Thursday last. He stated that I supported a longer period than seven days. That, Sir, was not correct. The interests which I represent are definitely in favour of holidays with pay. But the object of the Bill before the House now is to give annual rest periods; and emphasis is laid more on the rest than on holidays with pay. I therefore want to prove to the House that the period an industrial worker will now enjoy for rest during a year will amount to no less than one day in every four. There are 365 days in a year of which 52 are Sundays. Taking at an average 13 festival holidays during a year, that brings the total down to 300. Under the present Bill an industrial worker will be allowed 25 days authorised leave.—it might be for sickness, it might be for accident, it might be to attend weddings, it might be for anything else.

**Mr. M. Ananthasayanam Ayyangar**: That is not under this Bill.

**Mr. A. C. Inskip**: Under the present Bill he will be entitled to count it towards continuous service provided his absence with leave or for sickness does not exceed 90 days. So that brings the total down to 275 days. From that you deduct the six days he will be entitled to under this Bill if it becomes law, giving him a total number of working days during the year of 269. That, as I work out, represents one rest day in every four; and I think we shall be making a favourable start if legislation is introduced limiting the period to seven days at least to start with.

In this regard I would bring to the notice of Honourable Members a practice that is in vogue in England. So far as I know, in the cotton mills in Lancashire they have what is called the "wakes week", a period of seven days when all mills are closed down for the annual seven days' holiday.

That holiday may be granted under a statute; so far as I understand, it is voluntary between the workers and the employers. And I contend that if we start in a similar manner with seven days with power later on to increase it, we shall be going a long way. Sir, I oppose this amendment.

**Shrimati K. Radha Bai Subbarayan** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Mr. President, Sir, The number 'seven' seems to be a great favourite with the Government of India. When Government introduced the first Factory Act in 1881 they prescribed seven years as the minimum age of employment for children. It took them nearly sixty years to raise that to fourteen. And now when they introduce legislation for the first time to give holidays with pay to factory workers they propose to prescribe a period of only seven days! I hope they will not wait for 65 years to raise it to fourteen. We therefore suggest that they should take a step forward now and increase it at least to ten days.

It has already been pointed out that if workers are to have the real benefit of these holidays with pay they must be able to go right out of the city in which they live and work in a cramped atmosphere year after year. And if they are to go away from the place of their employment, seven days holiday with pay is very short, both with regard to time and money. We must also remember that most of our factory labour is recruited from landless agriculturists. I would remind the House that the Royal Commission on Labour draws special attention to this point and says that it is very important that the labourers who are recruited from the rural population should be encouraged to maintain contact with their villages. On page 20, of their Report, the Royal Commission state:

"Our considered opinion is that, in present circumstances, the link with the village is a distinct asset and that the general aim should be not to undermine it but to encourage it and, as far as possible, to regularize it. We have not reached this conclusion without a clear recognition of the evils attendant on the industrial system as it stands today; but we believe that by thoughtful and sustained effort, many of these difficulties can be eliminated or minimized and that the advantages of the village connection can be conserved and, indeed, increased."

[Shrimati K. Kadha Bai Subbarayan.]

For Mr. Inskip's information, I would like to read out another passage from the same Report:

"The relation of the worker to the villages is perhaps best expressed by the legal conception of domicile. In so far as an analogy is helpful, the position of many Englishmen in India has essential similarities. For the Indian factory worker is in most cases a man who has taken up definite work in a place which he does not regard as his own (in many cases even its language is foreign to him), who cherishes the hope of returning to his country now and then and of retiring there ultimately."

I am sure, Mr. Inskip agrees that the Englishmen should be given facilities to visit their homes during their period of service in India as they wish to retire there at the conclusion of their service here. Similarly, the factory workers who come from villages should be given adequate facilities to maintain their contact with their own homes and villages and afterwards to retire to the villages when the time comes for them to do so.

Sir, in most countries where there is a legislation of this kind which provides holidays with pay, the minimum period is 14 days and it applies not only to factory workers but even to domestic servants. While we are making a beginning, we should try, as much as possible, to keep in peace with the requirements of today. I would urge upon the Government to accept 10 as a compromise between 14 and 7.

Another point which I would like to bring before the House is about the children. The Honourable Member rightly remarked with pleasure that the children have been given 14 days, but what good will the children derive if they get a holiday of 14 days while their parents cannot take them away from their city-home because they have no time or money to do so. Government surely do not desire that the children should while away their time playing in the streets of the city where they had been working. From all points of view, Sir, it is necessary to increase the number of days from 7 to at least 10.

**Sir Vithal N. Chandavarkar** (Bombay Millowners' Association: Indian Commerce): Sir, I listened with great interest to the speech delivered by my Honourable friend, Prof. Ranga. A portion of his speech was nothing but an expression of sorrow at the diminishing ranks of labour leaders as a result of their absorption by my Honourable friend, the Labour Member, in his own department and by the trips on which they are sent abroad. I do not wish to comment on this. There was a sort of innuendo in his speech that the ranks of labour leaders are getting thinner and thinner as a result of the policy of Government.

**Mr. N. M. Joshi** (Nominated Non-official): We can spare enough and more.

**Sir Vithal N. Chandavarkar**: If my Honourable friend, Mr. Joshi, is right labour leadership is a very good career for either going into the Imperial Secretariat here or going to the United States and the United Kingdom and have long holidays at public expense.

**Mr. President** (The Honourable Sir Abdur Rahim): The position of labour leaders does not come into the picture under this amendment.

**Sir Vithal N. Chandavarkar**: The second portion of his speech was an appeal to us and he asked us to be reasonable. I would ask my Honourable friend, the Labour Member, whether in the Tripartite Conferences, the Standing Committee and other Conferences we have not been very reasonable. Even the amendment about 90 days absence was the result of our initiative and certain modifications were made as a result of suggestions made by the so-called 'capitalist' members in the Select Committee in order to make the scheme work more smoothly.

But I would like to clear one misapprehension in the minds of my Honourable friends here: I want the House to remember that this Bill is for holidays with pay and not for leave with pay. The position is going to be that people will not go for 7 days or 10 days but will go on longer leave. As a result of the vastness of the country, it will be impossible for workmen even if they are granted 15 days leave with pay to go to their native places and

return within 15 days. Under the Standing Orders, initiated by my constituency, which are now considered to be model Standing Orders, every workman is entitled to one month's leave without pay after putting in 11 months or 12 months—I do not remember exactly whether it is 11 or 12. What is going to happen as a result of this Bill will be that out of one month's leave a workman will get seven days' leave with pay, and the rest without pay. He will not be asked to come back within 7 days. If it is made even 15 days, it will not be possible for the workers to return to their work within this period because some of the villages are not on railway-lines; they live in villages 10 to 15 miles in the interior. It will be impossible for them to return to work within 15 days. Even if you make this leave with pay for 15 days, it will be impossible for the employers to expect these workmen to come back to work within 15 days. It will have to be leave for a longer period out of which a certain portion will be paid for,—that is going to be the position.

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): Then even seven days is superfluous, if they cannot come home.

**Sir Vithal N. Chandavarkar**: They will get 7 days with pay. Out of one-month's leave, for instance, they will get 7 days with pay.

**Mr. M. Ananthasayanam Ayyangar**: You must pay for the whole month.

**Sir Vithal N. Chandavarkar**: I would like to know how many lawyers give leave for one month or 2 months on full pay to their clerks and Munshis.

**Mr. M. Ananthasayanam Ayyangar**: I have been doing it.

**Mr. Abdul Qaiyum**: So have I.

**Sir Vithal N. Chandavarkar**: I do not know how many can afford to do so. I am not going into that question. I want the question to be looked at from this point of view.

In my speech when the Bill was introduced, I pointed out that in all the conferences we have been holding with Government from 1939 we have been pressing Government to introduce the Sickness Insurance Benefit first. We have been saying that sickness insurance with cash benefits and medical relief was more important and urgent. We suggested that holidays with pay might follow the introduction of sickness insurance. We are going to have a heavy burden when that scheme is introduced, as I hope it will be introduced if not from 1st January 1946 at least from 1st January 1947. There has been some delay but this delay is not due to us because the problem is very complicated and Government have to devise and set up a machinery for administering the scheme. The cash benefit portion is easy but the question of medical relief is difficult because the Provinces have to organise the machinery for administering the relief. That is going to be a fairly heavy burden on the industry. Seven days leave with pay according to my calculation—take my own city of Bombay—will come to about—if all the people get the benefit—Rs. 17/18 lakhs a year. There are only 60/70 mills in Bombay City. Assuming that 60 per cent. get the benefit, it will be about Rs. 12/13 lakhs, but I hope and I expect that as a result of this concession workmen will be induced to put in more days of work and more efficient work so that the burden may increase from Rs. 12-13 lakhs and more people will get the benefit of this leave. Having regard to the fact that we are going to face a heavy burden on the question of sickness insurance and medical relief, I put it to the House whether to begin with it is fair and proper that a greater burden should be placed on the industries when the whole question of the industrial development of the country is under the consideration of Government. We are a helpless nation. We have no control over our fiscal policy. We have got very little to export except raw materials. Our ideal is to reduce imports and increase exports of manufactured goods, and if as a result of burden after burden our competitive capacity is reduced (it is bound to be reduced) then Government will have either to protect us by giving us higher tariffs and thereby raising the price for the consumers or some of the industries will have to go to the wall. That is the alternative we have to face. (At this stage Prof. N. G. Ranga interrupted.) Do not judge what

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has happened as a result of the war. Look at what happened from 1928 to 1939 when a large number of mills—I can speak of my own industry—had to close down. As far as the jute mill industry was concerned, they had to go on shorter working hours. (At this stage Prof. N. G. Ranga again interrupted.)

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must not go on like that.

**Sir Vithal N. Chandavarkar**: I hope Government will think twice before accepting this amendment. Government had many consultations with us labour and provincial Ministers and after a great deal of discussion extending over four or five years, Government came to the decision that seven days was quite enough to begin with. I hope therefore that Government will not accept the amendment; and I for one, representing my constituency, cannot support the amendment proposed by my friend Mr. Ayyangar.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): I strongly support the amendment, I do not want to detain the House on this amendment because no long speech is required after the very lucid and convincing arguments adduced in favour of this amendment by my Honourable friend Mrs. Subbarayan. After all, what is that the House is asking for? This holiday is to be given to every worker after completing a period of twelve months' continuous work. All that the House asks for is an extra three days and in view of the reasonableness shown by the House in not insisting on the first amendment of fifteen days, I think the Government must as a measure of compromise accept this amendment.

**Mr. Lalchand Navalral** (Sind: Non-Muhammadan Rural): I wish to put the views of this Party before the House on this amendment. The only strong opposition that has been in this House against this amendment is that of my Honourable friend, Sir Vithal Chandavarkar, but I think he has given away the case himself. He says that seven days would not be sufficient for a man, if he goes out to his country, to return because there are so many difficulties before him, like transport and other such things. Therefore if three days are not sufficient then it requires in all reasonableness that the time should be extended. Now if he is going to get a holiday after twelve months, he should be given sufficient time to meet his relatives, to attend to his domestic work and other things. Now what is asked for is only an extension of three days more, making it in all ten days and I strongly support it.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): I think Sir Vithal has put the position very clearly and fairly. If this question had been one of a humanitarian character, I could have well understood the strong feeling in favour of the amendment. But as it has been explained, it is not of a humanitarian character. It is a question of pounds, shillings and pence. It is a question of giving three days wages to workmen as a gift once a year. That is the amendment. It is not a question of giving them three days more holidays. If these workmen could not have got three days extra holidays without this amendment, I could have understood the force of the argument but the practical position is this. You may talk of theory as much as you like but the actual position is that when you will give them seven days holidays, with full wages, they will attach those seven days to the holidays which they usually take once in a year.

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

**Mr. President** (The Honourable Sir Abdur Rahim): Will the Honourable Member not go on interrupting?

**Sir Cowasjee Jehangir**: Under the Bill they will get seven days pay during those holidays. Now you want to give them three days extra pay, which will not mean three days extra holidays. They go away to their villages usually once a year. They go for a month and sometimes for a longer period. They do not live in the great cities of this country. They live in the villages and they go back to agriculture. It is a very healthy and I must say an excellent way of

spending their holidays. But you will not by this amendment give them three days extra holidays, you will give them three days' wages. Let us understand that position.

Now, Sir, with regard to the burden on the industry. Our mentality today is very different to what it was ten years ago when mills and all sorts of industries in this country were struggling for existence, when speeches were made in this Honourable House to give protection to these industries lest they be wiped out. The change in that mentality has taken place merely due to the war and to the profits that are being made. If such a proposition had been made ten years ago I venture to suggest that even my Honourable friends on the Congress Benches would have considered it from another point of view, the point of view of adding further burdens to the industry. In those days Government and the Opposition were thinking of ways and means of relieving the industry of the burdens, so that they could compete with outside competition. Do not forget that this Honourable House had to give protection to the mill industry to keep it in existence. Naturally those who are not in personal touch with an industry like the textile industry of India do not realise the hard times through which that industry passed and the losses that we made and let the industry gratefully admit and acknowledge the assistance given by this Honourable House to the industry in those days of hardship, in those days of loss. Had it not been for that assistance given by this House that industry would not have been able to supply the cloth required by this country in times of war.

Even if these industries are nationalised, the burden will be paid for by the taxpayer, the losses will be paid by the taxpayer. If they are managed as they are today and bad times come, it will be the duty of this House to see that they are kept in existence and you will have to give protection to a degree which would keep them in existence and these burdens—statutory burdens—will have to be taken into consideration when you are giving to the industry protection to keep it in existence. I will only mention, Mr. President, again that if this question had been one of a humanitarian character, I would not have spoken. But since it is not a question of humanity—it is simply a question of giving three days extra wages to men who will get their holidays whether you like it or not—I trust that if not in this case, at least in the future this House will keep in mind the extra burdens they themselves place upon industry, when everything is blooming in the garden and every thing is in a prosperous condition. That is the great mistake we made in the last war, when every thing was prosperous we did not realise that bad times must come and bad times must follow, Mr. President—I cannot say how many years hence—but bad times are going to follow. Then this Honourable House will, I am sure, be in another mood and the mentality of all of us will change. When a proposition of this sort has been moved by Government, when it has been accepted by the Select Committee, I think it would be wise to leave matters as they are, not to bargain for three days pay extra this way or three days pay extra that way. This is merely bargaining. You may get it today but you will have to think of it in the future.

**The Honourable Dr. B. R. Ambedkar** (Labour Member): Mr. President, I am not sure that those who have moved this amendment and supported it have much justification on their side. We always take as our standard measure the Conventions passed at the International Labour Conferences and the Honourable House will remember that the International Labour Conference in 1936, when it took up this question, fixed six days as the measure of holidays that ought to be allowed. Looking at the subject from that point of view, I am not prepared to accept nor can anybody say that the Bill as introduced falls short of the standard prescribed by the International Labour Conference. On my side I must also mention another difficulty. The Honourable House will remember that this subject of labour legislation falls in the field of Concurrent Legislation. The administrative responsibility for carrying out these measures entirely falls on the Provincial Governments, in which the executive authority for administration is vested by the constitution. Having regard to that, there has been established a convention, *vis.*, that, as far as this Concurrent field of legislation goes, whatever measures are introduced, should have more or less the concurrence of

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the Provincial Governments. And I would like to tell the House that the period that is fixed in the Bill was fixed after consultation with the Provinces. However, I am prepared to accept the amendment and I would very much like to state the reason which has prevailed upon me in order to accept this amendment. The reason which has prevailed upon me is the geographical reason. I realise that the centres of industry and the centres of population are very vastly divided by long distances. A factory is situated in Bombay, the labourer lives either in the U. P. or O. P. and has to travel long distances in order to employ himself in a useful occupation. Having regard to this circumstance, *vis.*, that he has to travel long distances, I think that perhaps a small departure may be made from the original proposal that stands in the Bill. It is therefore on that ground that I am prepared to accept this amendment. At the same time, I must stipulate one other condition. I find that there is another amendment standing in the name of Prof. Ranga and Mrs. Subbarayan, the object of which is to reintroduce the words "at least", which were omitted by the Select Committee. Now, the introduction of these words "at least" would create disharmony and I must say that I regard uniformity of principle in a matter of this kind to be of fundamental importance and my position therefore is that if those who have tabled this amendment will agree to drop it, I on my part, am prepared to accept the amendment for ten days.

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): We are prepared to drop the other amendment, for the present.

**Mr. President** (The Honourable Sir Abdur Rahim): You are not going to press the motion?

**Prof. N. G. Ranga**: Not the other amendment, Sir.

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

"That in clause 3 of the Bill, in sub-sections (1) and (2) of the proposed section 49B the word 'seven' the word 'ten' be inserted."

The motion was adopted.

**The Honourable Dr. B. R. Ambedkar**: There has to be one consequential amendment that in sub-clause (2) the word 'ten' shall be substituted for 'seven'.

**Mr. President** (The Honourable Sir Abdur Rahim): I think the Honourable Member would do well to put down a proper amendment. That, I think, can be done afterwards.

**The Honourable Dr. B. R. Ambedkar**: At the end of sub-section (2), in the last line, the word 'ten' shall be substituted for 'seven'.

**Mr. President** (The Honourable Sir Abdur Rahim): I think there ought to be a formal amendment.

Clause 3: Is there any amendment?

**Mr. N. M. Joshi**: I have an amendment that in clause 3 of the Bill in the proposed section 49D the word 'half' be deleted.

**The Honourable Dr. B. R. Ambedkar**: That is further on.

**Mr. President** (The Honourable Sir Abdur Rahim): There is an amendment in the name of Mr. Inskip: No. 5.

**Mr. A. C. Inskip**: Sir, I move:

"That in clause 3 of the Bill, in the explanation at the end of the proposed section 49B for the words 'sickness, accident or authorised leave' the words 'authorised leave granted on account of sickness, accident or for compassionate reasons' be substituted."

My only reason for bringing forward this amendment is to define more clearly the words 'sickness and accident'. With the Bill as at present framed I fear there will be a considerable amount of misunderstanding and friction between employers and employees if these two words are not more clearly defined. I have been told that these definitions will be covered by the rule-making power, but I feel, Sir, that the question is of such importance that it should be included in the Bill. The reason why I put "authorised leave" before the words "sickness and accident" is this. In most factories, when a man is sick, he produces a doctor's certificate, or he gets the leave recommended by the factory doctor, and invariably in such cases authorised leave is granted for a stipulated period.

I contend that if this is accepted and this clause is now framed as is suggested, it will make it very clear that sickness and accident will be covered by authorised leave. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 3 of the Bill, in the Explanation at the end of the proposed section 49B for the words 'sickness, accident or authorised leave' the words 'authorised leave granted on account of sickness, accident or for compassionate reasons' be substituted."

**Mr. N. M. Joshi:** Sir, I rise to oppose this amendment. What my Honourable friend is seeking is not a mere clarification: he wants a substantial change. What the Bill as amended by the Select Committee proposes is that the worker may be allowed to be absent for 90 days without breaking the condition of qualifying for the paid holidays after 12 months continuous service. What he wants now is that all these 90 days should be 90 days of authorised leave: that is not what the Bill intended, that was not also the intention of the Select Committee. If a man is sick, then he does not want authorised leave; similarly, if an accident has taken place, then again, he does not want authorised leave. Of course, if he is absent for any other reason, then the question of authorised leave comes. Therefore, Sir, it is not right that the worker should be expected to take leave even when he is sick, and even when there is an accident. As a matter of fact, it would some times be difficult for him, when he is sick or when an accident has taken place, to ask for leave. Moreover, if the employer does not give authorised leave, what is he to do? There is no compulsion on the employer to give him leave when he is sick. Therefore, Sir, this amendment cannot be accepted, and that was not the intention of the Select Committee.

**Prof. N. G. Ranga:** I rise to oppose this amendment. It puts the worker in very great difficulties. The worker cannot go sick if he gets authorised leave from the employer. If he falls ill, then he has got to approach the employer for this proposed authorisation. It presupposes that the worker has to employ a servant to go on his behalf to the employer and obtain this leave. Well, Sir, most of the workers are suffering from malaria, supposing a worker is laid up, what is he to do? Whom has he to send? He has to engage a servant or ask his own wife who may be attending on him to go and see the employer, or he must ask one of his children. This is not workable. And then what happens? He has got to write a leave letter, he may be illiterate and so has to pay a document writer in order to write a leave letter. All these difficulties will be there. I need not go into further details. We are very much opposed to this amendment.

**Sir Vithal N. Chandavarkar:** Sir, I support the amendment moved by Mr. Inskip. The position is not as has been described by Prof. Ranga. Even now workmen do fall ill—some times for three or four days—they cannot send a message to the Mill about their illness, but when they come back, they generally are able to convince the management that they have been ill, and their absence is condoned: in other words, their absence becomes authorised absence. If what Prof. Ranga describes is true, it will be impossible to work a factory. We all know that very often the worker cannot send, immediately he falls ill, an intimation of his sickness to the employer, and I say in a large number of cases the leave becomes authorised leave as a result of subsequent sanction.

I do not know whether Mr. Joshi was quite right in speaking about the intention of the Select Committee. I do not know whether it is in order for me to refer to what happened. At the same time I would like to say that it was recognised that in a case of accident there is no difficulty at all. As a result of Workmen's Compensation Act, as soon as an accident takes place in a factory, intimation has to be given. But it may be possible that while the worker is out, he is run over by a motor car or a military lorry. Then he has to send word that he has met with an accident, and then leave has to be authorised or granted.

During the last 11 years I have been attending to a number of minor labour disputes. Once in three or four months, the Government Labour Officer and I meet to discuss questions which arise out of petty disputes—petty individual disputes—and I can tell the House that 50 per cent. of the disputes arose out of the question whether the man was entitled to stay away from his work, and

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whether he had sufficient justification for it. It is impossible for workmen to produce a medical certificate always, and in all such cases it will lead to unnecessary pin-pricking and bitterness to demand it. Now that these people are going to get a statutory holiday of ten days, certainly, Sir, the request made by Mr. Inskip is not unreasonable—that whenever they stay away there should be authority for them to stay away, that their absence should be authorised. It is not necessary that the authority should be given before they stay away;

but as I said before, in the majority of cases, as soon as a man gives I. P.M. a proper explanation, the employer as a matter of fact says "All right; your absence is condoned and this will be debited to your leave account".

Therefore unless the amendment is accepted, I am afraid there will be a lot of difficulties. This question was raised at one time and we were told that it could be tackled by rules made by Government, that a procedure would be laid down to meet such cases; but it is much better—I kept quiet at the time—but on further consideration I think it is much better that such a provision should be in the Act itself; but if the Labour Member assures me that in the rules proper care will be taken to see and bring within the scope of the rules the spirit of this amendment, then it is possible that I may reconsider the matter.

**The Honourable Dr. B. E. Ambedkar:** Sir, I regret I cannot accept this amendment. My Honourable friend, Mr. Inskip, stated that there was no definition of sickness. I wish we could define sickness; I have searched for a definition in the Health Insurance Act, and I find that there is no definition of sickness for the simple reason that sickness cannot be defined. It is a matter of certification. If a medical person says that a certain person is sick, then everybody has got to accept that definition. If my Honourable friend's contention was that certificate should be defined in a proper manner, I could have understood his complaint. But on that ground I submit he has no ground for complaint, because we propose to make rules in which persons who will have the authority to certify will be properly laid down: their qualifications will be prescribed. Consequently the fear that doctors who have no practice and who generally live on giving false certificates will find no place in this, because the rules, I hope, will be so framed that that sort of contingency will be altogether eliminated. The difficulty I find in accepting this amendment is this: my Honourable friend says that certificates should not suffice for sickness but that the employer should be allowed to sit in judgment, even when a certificate has been obtained, whether, notwithstanding the certificate, he would grant leave or he would not grant leave. I must say that that is a position to which Government cannot be a party. Government cannot allow an employer to say that notwithstanding the certificate given by a doctor whose qualifications are in accordance with the rules we have made, it must still be left a matter for the employer to decide. I think that would be placing too much authority in the hands of the employers; and for this reason I am not disposed to accept this amendment.

Another thing my Honourable friend remarked is this, that we have fixed a limit of ninety days for all the three contingencies—sickness, accident and authorised leave. Consequently in practice any malingering on the part of the employee cannot be carried on indefinitely; because for the three contingencies we have fixed a limit of ninety days; and if the limit of ninety days is exceeded, then he automatically becomes disqualified for getting the benefit under the Act. Having regard to these circumstances, I must oppose this amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That in clause 3 of the Bill, in the Explanation at the end of the proposed section 49B for the words 'sickness, accident or authorised leave' the words 'authorised leave granted on account of sickness, accident or for compassionate reasons' be substituted."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim): Any Member who wishes to move any of these amendments must do so now.

(No Member rose in his seat.)

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Dr. B. E. Ambedkar**: Sir, I move:

"That the Bill, as amended, be passed."

**Prof. N. G. Ranga**: Sir, there is one amendment here in my name, No. 9, to clause 3 of the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): I said more than once that if there is any Member who wishes to move any further amendment, he must do so.

**Prof. N. G. Ranga**: I beg your pardon, Sir; it is a consequential amendment; and it is a very formal one.

**Mr. President** (The Honourable Sir Abdur Rahim): I cannot help it. The question has been put and the clause has been adopted.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

#### THE INDIAN COMPANIES (AMENDMENT) BILL—contd.

**Mr. President** (The Honourable Sir Abdur Rahim): Further consideration of the Bill further to amend the Indian Companies Act, 1913.

**The Honourable Sir M. Azizul Huque** (Member for Commerce and Industries and Civil Supplies): This Bill is already before the House.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I support this amendment of Mr. Chettiar and I withdraw my amendment. It is in relation to provident fund and withdrawal of provident fund under particular circumstances. A compromise has been effected and the thing has been so modified as not to admit of any serious objection; I therefore withdraw my amendment and support the amendment of Mr. Chettiar.

**The Honourable Sir M. Azizul Huque**: This is amendment No. 2 in the list and Government is prepared to accept it.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore cum North-Arcot: Non-Muhammadan Rural): It is No. 1 amendment on the list.

**The Honourable Sir M. Azizul Huque**: I am quite prepared to accept that No. 1.

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

"That in clause 2 of the Bill, for the proposed sub-section (6) the following be substituted:

(6) Nothing in sub-section (2) shall affect any rights of an employee under the rules of a provident fund to obtain advances from or to withdraw money standing to his credit in the fund, where the fund is a recognized provident fund within the meaning of clause (a) of section 58A of the Indian Income-tax Act, 1922 (XI of 1922), or, the rules of the fund contain provisions corresponding to rules 4, 5, 6, 7, 8 and 9 of the Indian Income-tax (Provident Funds Relief) Rules."

The motion was adopted.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): May I just point out that these papers—neither the Bill nor the amendments are before us here?

**Mr. T. S. Avinashilingam Chettiar**: They have been just placed.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir M. Azizul Huque**: Sir, I move:

"That the Bill, as amended, be passed."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the Bill, as amended, be passed."  
The motion was adopted.

### THE INDIAN MERCHANDISE MARKS • (AMENDMENT) SUPPLEMENTARY BILL

**The Honourable Sir M. Azizul Huq** (Member for Commerce and Industries and Civil Supplies): Sir, I move:

"That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, as reported by the Select Committee, be taken into consideration."

There are several amendments tabled. We have carefully gone through them. Some of these amendments are going to be agreed to. I do not therefore wish to take up the time of the House. I move that the Bill be taken into consideration.

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

"That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): Clause 2.

**Mr. Sami Vencatachalam Chetty** (Madras: Indian Commerce): Sir, I move:

"That in part (i) of sub-clause (a) of clause 2 of the Bill, after the word 'cotton' where it occurs a second time, the words 'thread namely' be inserted."

This is a formal amendment. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment moved:

"That in part (i) of sub-clause (a) of clause 2 of the Bill, after the word 'cotton' where it occurs a second time, the words 'thread namely' be inserted."

**The Honourable Sir M. Azizul Huq**: This is hardly necessary but if my friend presses it we have no objection. It is intended to make the point quite clear.

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

"That in part (i) of sub-clause (a) of clause 2 of the Bill, after the word 'cotton' where it occurs a second time, the words 'thread namely' be inserted."

The motion was adopted.

**The Honourable Sir M. Azizul Huq**: Amendments Nos. 2 to 7 are not going to be moved. No. 8 in the name of Prof. Ranga is an agreed amendment.

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

"That after part (vi) of sub-clause (a) of clause 2 of the Bill, the following be inserted:

'(vii) the following proviso shall be added, namely:

"Provided that the rules made under section 20 shall exempt all premises where the work is done by the members of one family with or without the assistance of not more than ten other employees, and all premises controlled by a co-operative society where not more than twenty workers are employed in the premises."

This is an agreed amendment and it is also self-explanatory. Sir, I move.

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

"That after part (vi) of sub-clause (a) of clause 2 of the Bill, the following be inserted:

'(vii) the following proviso shall be added, namely:

"Provided that the rules made under section 20 shall exempt all premises where the work is done by the members of one family with or without the assistance of not more than ten other employees, and all premises controlled by a co-operative society where not more than twenty workers are employed in the premises."

The motion was adopted.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

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. Abdul Qaïyum (One of the Panel of Chairmen) in the Chair.

**Mr. Chairman** (Mr. Abdul Qaïyum): The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

**Mr. Chairman** (Mr. Abdul Qaiyum): Clause 4.

**Sir George Spence** (Secretary, Legislative Department): Sir, I move:

"That in sub-clause (b) of clause 4 of the Bill after the words, brackets and figures 'in sub-clause (ii)' the following be inserted, namely:

'for the words "an indication of the weight" the words "the length or weight" and.'

This amendment, Sir, brings the amendment to section 10 of the Act under amendment into line with the amendment made to section 7 by sub-clause (a) (iv) of clause 2 of the Bill as reported by the Select Committee, Sir, I move.

**Mr. Chairman** (Mr. Abdul Qaiyum): The question is:

"That in sub-clause (b) of clause 4 of the Bill after the words, brackets and figures 'in sub-clause (ii)' the following be inserted, namely:

'for the words "an indication of the weight" the words "the length or weight" and.'

The motion was adopted.

**Mr. Chairman** (Mr. Abdul Qaiyum): The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir M. Azizul Huque**: Sir, I move:

"That the Bill, as amended, be passed."

**Mr. Chairman** (Mr. Abdul Qaiyum): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

## THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL

**The Honourable Sir M. Azizul Huque** (Member for Commerce and Industries and Civil Supplies): Sir, I move:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration."

**Mr. Chairman** (Mr. Abdul Qaiyum): Motion moved:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration."

**Mr. T. Chapman-Mortimer** (Bengal: European): I do not move my amendment for sending the Bill to the Select Committee.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, we were under the impression that the Bill would be sent to the Select Committee. Anyhow I wish to make a few remarks. Sir, the original Act was passed in 1911. When the Act was passed in 1911, even then in U. K. there was an Act relating to Patents and Designs of which the Indian Act was a copy. Why were not these provisions incorporated then in the Act of 1911? They were purposely left out. That is before any invention was complete, protection was not granted to it though provisional protection was afforded on the lines on which this Bill proceeds. Similar provisional protection was afforded in the Act of 1907 of U. K. and in the Indian Act which followed four years later, it was not thought fit to incorporate a similar provision and it has taken till the year 1945 to proceed to incorporate a similar provision. What were the reasons for ignoring this provision then? What is the necessity that has arisen now in regard to a similar provision in the Act by way of this amendment? I should like elucidation on this point first of all. Has there been any demand? How many instances have there been? What is the difficulty that has arisen so far as this Act is concerned? If really protection is to be given, I find in clause 3 there is really no protection at all. The object of the Bill is not carried out, because no suit lies for an infringement of an invention with respect to which provisional protection has been granted during the period after the application is presented and before the invention is complete. An infringement during this period is not visited with any penalty, no suit lies at the instance of a person who has obtained provisional protection against infringement. What I find in clause 7 is not sufficient protection. The wholesome provision in favour of a person, who has announced his invention but whose invention is not complete, is sought to be taken away,

[Mr. M. Annathasayanam Ayyangar.]

because no sufficient safeguard is provided for infringement thereof: If really, as I understand it, there is this lacuna, I would ask the Honourable Member to set it right. It is a pity it is not going to the Select Committee, otherwise this could have been set right in the Select Committee. I never thought that the Honourable Member Mr. Chapman-Mortimer would not move his amendment for referring the Bill to the Select Committee. Otherwise, any one of us would have given notice of such an amendment.

**Mr. T. S. Avinashilingam Othettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, we expected that the motion for the Select Committee would be moved and in that expectation we have not considered the actual wordings of this amending Bill. It is very unfortunate that that motion is not moved. We have to learn from experience and this is one of them.

Coming to the Bill itself, it is not a war-time measure as some one whispered to me. It is a permanent amendment of the Act. The original Act was passed in 1911, when they found certain provisions sufficient to safeguard the interests of people who invent. But in 1945 they say they want to bring it in line with the English Act. I should like to know what circumstances Government see today which have made this Bill necessary now. We on our side would like the Bill to be considered in Select Committee, but that motion not having been made, we are not in a position to say anything further except this that the entire responsibility for the whole of the drafting is Government's, and if passed today the House has no part or lot in it. In the circumstances I leave it to the Honourable Member concerned to make up his mind whether he will consider it on some later date or get on with the Bill now and get it passed in a few minutes.

**The Honourable Sir M. Azizul Huque**: Sir, I will try to explain the position. My Honourable friend complained that it takes four years to get a law which is a good law in another country to come to this country. I think my Honourable friend knows that in the earlier part of this century it usually took 30 years to get a good law from that country. Any way we have had this matter very carefully examined; we consulted the special officer in charge of it, we consulted those people who come in for taking patents and designs, we consulted also the firms which are specialising in these concerns. I will take the liberty of reading a few lines from the report of the officer in charge of Patents and Designs:

"(i) Enquiries made at this office, personally as well as by post, for particulars for obtaining 'provisional protection' are becoming more and more frequent; and when in reply the inventors are informed that a 'provisional specification' cannot be filed under the Indian Patents and Designs Act, they show serious concern, and invariably request me to urge the Government to amend the Indian Patents and Designs Act so as to permit the filing of Provisional Specification.

(ii) It is also noticed that opposition proceedings in which the applicant and the opponent were at one time collaborators, but had severed their connection with each other just before the application for patent was filed, are of frequent occurrence.

(iii) The leading Patents Agents also have been urging me to represent to the Government that the exclusion of the Provisional Specification from the scheme of the Indian Patents and Designs Act has been causing serious hardship on inventors."

I have personal knowledge that with the recent encouragement for researches, specially in industrial researches, a very large number of patents are being taken; and I am aware of the fact that there are people who have collaborated with one who was pursuing a particular formula which he ultimately discovered and yet just a few days before, his collaborator separated and tried to take the patent in his own name. Not only that, he tried in some cases to interest some industries at the cost of the original Research Worker; and it has become a problem. I hope, therefore, the House will agree to take the Bill into consideration and pass it at this stage . . .

**Mr. M. Annathasayanam Ayyangar**: The Honourable Member has not answered the question that I asked . . .

**The Honourable Sir M. Azizul Huque**: We discover by experience. There were very few patents in those days. But the war has given tremendous fillip and now the number is much more.

**Mr. M. Ananthasayanam Ayyangar:** My question is this. Why was not the U. K. provision of 1907 incorporated in the Act of 1911?

**The Honourable Sir M. Azizul Huque:** The number of cases, as I say, was very small.

**Mr. M. Ananthasayanam Ayyangar:** Sir, as Mr. Chapman-Mortimer has not moved the motion for Select Committee, may we be allowed to move it from this side?

**Mr. Chairman (Mr. Abdul Qaiyum):** I am afraid this is not the proper time. The Honourable Member should have thought of it before.

**Mr. T. Chapman-Mortimer:** Sir, the amendment which stands in my name was sent in the beginning of February in order to gain time for this matter to be threshed out and considered. Now after that six or seven weeks have elapsed and I should have thought there was ample time. I greatly sympathise with what my Honourable friends' feelings are in this matter, but the object of my original amendment was to gain time. I am sorry if my Honourable friends were misled.

**Mr. Sami Vencatachelum Chetty (Madras: Indian Commerce):** Sir, has the Law Member looked into this Bill and given his opinion?

**The Honourable Sir Asoka Roy (Law Member):** I certainly have looked into the Bill at some stage or other before it was introduced in the House.

**Mr. Chairman (Mr. Abdul Qaiyum):** The question is:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration."

The motion was adopted.

Clauses 2 to 15 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir M. Azizul Huque:** Sir, I move:

"That the Bill be passed."

**Mr. Chairman (Mr. Abdul Qaiyum):** The question is:

"That the Bill be passed."

The motion was adopted.

#### THE REPEALING AND AMENDING BILL.

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

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into consideration."

This is a Repealing and Amending Bill of the normal type. The repeals which its effects are of matter which is spent or of amending enactments which by virtue of section 6-A of the General Clauses Act can now be repealed without undoing their effects. The amendments are all of an equally formal character. Honourable Members must have read the Statement of Objects and Reasons which explains the nature of the Bill. And the notes give you all the information you want in regard to the Acts which are proposed to be repealed. This is a formal matter; it is intended to weed out dead matter and to make formal amendments. Sir, I move.

**Mr. Chairman (Mr. Abdul Qaiyum):** Motion moved:

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into consideration."

**Mr. Sami Vencatachelum Chetty (Madras: Indian Commerce):** Sir, in the statement is included "The Defence of India (Amendment) Act, 1940".

May I take it that the Defence of India Rules will cease to operate hereafter?

**Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural):** Sir, I had put down a notice of a motion for reference of this Bill to a Select Committee not for the purpose of finding any defects in the principle on which this Bill has been based, but with a view to exercise greater scrutiny in the hundred of Acts which have to be repealed, or modified. But I was assured by my Honourable friend that great scrutiny was bestowed on this and there is absolutely nothing further to be scrutinized in a Select Committee. I would however like to have information regarding one or two items:

[Mr. M. Ananthasayanam Ayyangar.]

On page 4, under the heading 'Ordinances made by the Governor General under section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935' there is a list of Ordinances—

The Payment of Wages (Amendment) Ordinance, 1940.

The Currency Ordinance, 1940—Section 3.

The National Service Ordinance 1940.

The Indian Coinage Ordinance, 1940.

The Indian Tea Control Ordinance 1940, and so on.

Is it necessary to include these in the Schedule, when it is open to the Governor General himself to repeal any particular Ordinance? Is it necessary to have an Act for the repealing of these Ordinances when the authority which passes those Ordinances has also got the right to repeal them?

Then, Sir, in the First Schedule, on page 2, is included 'The Defence of India (Amendment) Act, 1940—The whole. What does it comprise of?

As a matter of fact it is very difficult to get copies of these Acts. Whenever I went to the Librarian and I asked him about copies of certain Acts, he gave me out-of-date Acts. Perhaps the copies available in the Library are very few and the Acts passed in 1939 to 1942 are given to some Members and others have to go without them. It seems he gets only one or two copies of the latest Acts. We are therefore not in a position to see what this means and how is it intended to be repealed. Therefore it is necessary to scrutinize, and if the Law Member has bestowed himself the necessary scrutiny and attention over this, I have no intention to press this matter to a Select Committee.

**The Honourable Sir Asoka Roy:** I can assure my Honourable friend that this matter has been examined with the greatest possible care by the Draftsman, Mr. Bartley, in the first instance, and I have also looked into the matter.

When an Act has been amended by an Amending Act, the Amending Act can be removed from the Statute Book by virtue of Clause 6(A) of the General Clauses Act which, for the benefit of Honourable Members, I will read:

"Where any (Central Act) or Regulation made after the commencement of this Act repeals any enactment by which the text of any (Central Act) or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal."

Therefore, all Amending Acts can be weeded out as being entirely unnecessary. The other Acts which are being repealed are Acts which have altogether spent their force and are no longer law. It is not necessary to have them in the Statute Book and this Bill is intended to remove such Acts from the Statute Book.

**Mr. M. Ananthasayanam Ayyangar:** What about Ordinances?

**The Honourable Sir Asoka Roy:** Ordinances which are no longer in force are repealed.

**Mr. M. Ananthasayanam Ayyangar:** Why cannot the Government repeal it?

**The Honourable Sir Asoka Roy:** The Legislature can repeal the Ordinances.

**Mr. Chairman (Mr. Abdul Qaiyum):** The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

The First Schedule was added to the Bill.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Asoka Roy:** Sir, I move:

"That the Bill be passed."

**Mr. Chairman (Mr. Abdul Qaiyum):** The question is

"That the Bill be passed."

The motion was adopted.

## THE INDIAN CENTRAL OILSEEDS COMMITTEE BILL.

**Mr. J. D. Tyson** (Secretary, Department of Education, Health and Lands):  
Sir, I move:

"That the Bill to provide for the creation of a fund to be expended by a Committee specially constituted for the improvement and development of the cultivation and marketing of oilseeds and of the production and marketing of oilseed products be referred to a Select Committee consisting of Prof. N. G. Ranga, Mr. Satya Narayan Sinha, Mr. M. Ananthasayanam Ayyangar, Pandit Shambhudayal Misra, Mr. Muhammad Hussain Choudhury, Dr. Habibar Rahman, Maulvi Muhammad Abdul Ghani, Mr. Govind V. Deshmukh, Mr. E. L. C. Gwilt, Sir Abdul Halim Ghuznavi, Rao Bahadur N. Siva Raj, Kunwer Haje Imaiel Alikhan and the Mover, that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorized to meet at Simla."

There is no need, I take it, for me to describe in any detail the lay-out of the Bill before the House. It follows familiar lines—a cess on an agricultural product, collected at the processing stage, to finance research and development in the cultivation, marketing and processing,—of oilseeds in this case; the fund to be administered by a statutory committee representative of all the main interests affected. I propose, therefore to content myself at this stage by giving the House the background of the proposals, and the reasons why we have thought it advisable to promote legislation in this matter even in war-time. I shall then conclude with a few remarks explanatory of the way in which we have adapted this form of legislation to the special purposes of research and development of oilseeds and their products.

I was reading recently, in a thesis on the oilseed trade of India, of the different uses to which vegetable oils were put in Europe at a time, before the war, when European countries could get vegetable oils, and I found that the author grouped the uses of these vegetable oils under twelve heads. I should like very briefly to detail them.

First of all, he put oils for edible purposes; then, oils for "external use on the body"—including, I presume, the hair; thirdly, oils for illuminating purposes; and then he went on to give a group of uses of oils in manufacture,—manufacture of soaps, paints and varnishes, compound lubricants, ghee and butter substitutes, oil-cloth, candles, tallow substitutes, glycerine and stearine. I was also interested to find that the oilseeds for all these purposes are grown in large quantities in India. Indeed except for soya bean, which we could grow if we could induce anyone to consume it, and palm kernels and olives, India grows all the principal oilseeds. She is one of the greatest producers of oilseeds in the world. Indeed it has been computed that she produces one quarter of the total pre-war world production of oilseeds.

Dealing still with vegetable oils, the author wants to point out—(he is speaking of the prospects of developing the use of vegetable oils)—that "in an agricultural country like India with a population of 350 millions"—he was writing some years ago—"all of whom are potential consumers of oils and buyers of oil cakes and possible users of soaps"—(that is his phrase, not mine)—"possible users of soaps, paints and varnishes, and who consume large quantities of oil for illuminating purposes and where there is ample evidence of an industrial awakening, great development of motor transport and aviation, the oil industry has really a very bright future before it". The use of vegetable oils for many of the purposes to which I have referred has the sanction of antiquity in India. But there is no doubt that much more use could be made of our immense resources in raw material by the introduction of new methods and new industries and the improvement of those already established from old times.

Apart from the vegetable oils and their uses, there are the almost equally important residuary uses. Most of our important oilseeds when pressed give oilcake which can be used to advantage either as cattle feed or as fertilizer or for either purpose. At present, as the House is well aware, though India consumes much of her oilseed in one way or another, she could with advantage consume it all, and much more. She also, especially in peace-time, exports much of it, mainly in the form of seeds or kernels, thereby losing both the profits of the manufacturing process and the

[Mr. J. D. Tyson.]

use of the residue—the oil cake. She also in peace time imports oilseed products, at a price sometimes quite out of keeping with the cost of the raw material, which she may herself have exported. A development on the industrial side should lead to a position in which India could retain more of these advantages for her own enjoyment—extracting the oil in India and exporting only such oil and oilcake as she herself did not require.

To advance the prospects of those interested in oilseeds, whether as cultivators or manufacturers or merely from the point of view of the consumer,—that is to say for nutrition or external application—there is almost unlimited scope for research and development. What we want is a co-ordinated programme of research covering cultivation, marketing, storage, manufacture and standardization of the product. We have found that *ad hoc* schemes of research and development, financed by the Imperial Council of Agricultural Research, do not, and cannot within a reasonable time, touch more than the fringe of the subject. I do not think it would be disputed that what has proved helpful to the cotton grower and the cotton industry should be equally beneficial to the interests concerned with oilseeds which, I am told on good authority, are really much less well organized than the cotton interests. This was the view of the Federation of Indian Chambers of Commerce and Industry which at its meeting of March 1944 unanimously adopted a resolution favouring the establishment of a Central Committee on oilseeds on the lines of the Indian Central Cotton Committee. I should like to read the relevant portion of the resolution passed by the Federation of Indian Chambers of Commerce and Industry on this question. They resolved that—

"In view of the fact that oilseeds, especially groundnut, castorseed, linseed, rapeseed and cotton seed constitute some of the most important cash crops of India and in view of the fact that the present position of the oilseeds markets is likely to affect injuriously the interests of the grower in the absence of a Central representative Body, and having regard to the potentialities of the development of industries depending upon them, the Federation strongly urges upon the Government of India to establish immediately a Central Oilseeds Committee on the lines similar to those on which the Indian Central Cotton and Jute Committees are constituted, so that it may be helpful in safeguarding the interests of the producer and in giving proper guidance to the interests concerned in the post-war reconstruction period."

I would add that a somewhat similar recommendation was made. I believe unanimously, by the representative Oilseeds Committee of the Imperial Council of Agricultural Research in August last.

So, Sir, encouraged by the representatives of commerce and industry, we have decided to bring forward this legislation at this time, believing it to be in the interests of the cultivator, the industrialist and the consumer alike.

The Bill proposes to finance the activities we have in mind by means of a cess "at such rate, not exceeding one anna a maund, as the Central Government may from time to time and after consulting the Committee, fix in this behalf". I can tell the House that on present figures we estimated that a levy at the full rate, that is the maximum rate, would bring in a revenue of Rs. 24 lakhs.

The Committee we propose to set up for the administration of the fund is a large one, but it is difficult to see how it could be cut down without denying representation to interests or areas that ought to have a voice in the management of the fund and in the control and direction of the Committee's activities. I would like very briefly to analyse the proposed composition of the Committee as it is made up of a very large number of elements, in clause 4 of the Bill. There is first of all the Vice-Chairman of the Imperial Council of Agricultural Research and there are five representatives of the Central Government. We have departments here in the Central Government which are obviously interested in a Committee of this kind. Then there are seven representatives of Provincial Governments and one of State Governments interested. I shall return to that item presently just to make a remark. Representatives of growers number fifteen. Representatives on the commercial side number fifteen also—seven of industry and eight of trade and commerce. Consumers are to be given

three representatives and we hope the Legislature will help us here. Finally there are four miscellaneous seats to cover a representative of the co-operative movement and such other experts, as it might be well to add. It might be desirable, for example, to add an economist to the committee or representatives of interests not otherwise provided for. (I do not see him in the House at the moment, but I expect to hear the voice of Mr. Joshi raised in the interest of labour representation and if he does not ask, Prof. Ranga will do so.)

Here I feel and owe an apology to the House. I find there is a slip in an item of the Bill which concerns the representatives of Provincial Governments. It is in Clause 4(e). As it reads at present it says: "Seven persons representing respectively the Departments concerned with the oilseed-crushing industry in certain provinces, and then at (f) a similar entry as regards the Indian States. When we consulted the Provincial Governments about our proposals, this item specified the representatives of the Agricultural Departments of those Governments. One Provincial Government said that they liked our committee generally but they did not understand why we were compelling them to send as their representative a member of their Agricultural Department. "Let us choose our own representative to voice the views of the Provincial Government. We might want to send the Director of Industries." We thought that that was fair enough and decided to leave Provincial Governments a discretion as between an Agricultural or an Industrial representation; but I see that in the Bill as printed we have committed the Provincial Governments to sending someone from their Industries Departments. That was far from our intention and if the House gives us a Select Committee on this Bill, it will be our business to correct that so as to leave the Provincial Governments free to send the kind of representative that they may wish to send.

I do not think I have anything more to say in commending the motion to the House except that the proposals have the blessing of all the Provincial Governments and, as I say, they follow on the resolutions of the Federated Chambers and the Imperial Council of Agricultural Research Oilseeds Committee. We should like the Select Committee to be set up this Session with a view to the consideration of its report probably at the next Session of the Legislature,—there being, I understand, no time to have the Bill taken through all its stages this Session.

Sir, I move.

**Mr. Chairman** (Mr. Abdul Qaiyum): Motion moved.

"That the Bill to provide for the creation of a fund to be expended by a committee constituted for the improvement and development of the cultivation and marketing of oilseeds and of the production and marketing of oilseed products be referred to a Select Committee consisting of Prof. N. G. Ranga, Mr. Satya Narayan Sinha, Mr. M. Ananthasayanam Ayyangar, Pandit Shambhudayal Misra, Mr. Muhammad Hussain, Choudhury, Dr. Habibar Rahman, Maulvi Muhammad Abdul Ghani, Mr. Govind V. Deshmukh, Mr. E. L. C. Gwilt, Sir Abdul Halim Ghuznavi, Rao Bahadur N. Siva Raj, Kunwer Hajeer Ismael Alikhan and the Mover, that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1945."

The object of moving this motion is to have the opinion of the people at large.

**Mr. Chairman** (Mr. Abdul Qaiyum): There are two more amendments. I understand that Prof. Ranga is not moving his amendment and Mr. Ananthasayanam Ayyangar . . . . .

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I am not moving mine.

**Mr. Chairman** (Mr. Abdul Qaiyum): The Honourable Member may proceed.

**Maulvi Muhammad Abdul Ghani**: I find, Sir, that one by one every agricultural product is going to be taken away from the sphere of action of the Provincial Governments to whom these subjects were transferred and the Honourable

[Maulvi Muhammad Abdul Ghani.]

Member is going to take the power in some form or other. There is a Bill pending about rice. The coconut Bill has been passed. There is the Cotton Cess Act, the Coffee Cess Act and also the Tea Cess Act. On almost all the commodities there are one or more Acts in the name of improvement and better supervision. For these very purposes the Provincial Governments have appointed departments, Directors of Agriculture and also Directors of Industries, etc. What will those authorities do? This body is a very large one consisting at present of 52 members. When this body or the officers appointed by this body give advice in matters of growth and development of oilseeds and storage, what will be the functions of those experts appointed by the Provincial Governments. The Central Government would have been well advised to ask the opinion of the Provincial Governments, whether they are going to abolish those Departments or not. After all it is the people's tax money which is spent on the maintenance of so many servants. The masses pay the taxes with very great difficulty and the taxes so realised are going to be spent in this manner. The President of the Imperial Council of Agricultural Research is there to advise on matters relating to research. He will have here to work as the President and his whole time will be taken up here. I find a similar provision in the Rice Bill. I am speaking subject to correction; he will also have to work on the Rice Committee. This poor fellow how will he find the time? This Bill whether it will do good is a matter for future consideration but one thing is certain that the life of the Food Department is going to be perpetuated. It says here that the three persons representing respectively the Departments of Commerce, Industries and Civil Supplies and Food to be nominated by the Central Government. So the Food Department whose life, we understood, was for the duration of the war, is going to have a permanent life. There are many things in regard to which it touches the masses and I therefore thought it proper to move my motion for circulation, so that the people at large may give their opinion with respect to this method of taking one product after another and entrusting it to an autonomous Committee or a similar committee. With these few words I move my motion and I hope the House will consider my arguments and allow the Bill to be circulated.

**Mr. Chairman** (Mr. Abdul Qayyum): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1945."

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, Mr. Tyson is the only man in this House representing Government, who speaks for Development Departments. This is one of the numerous Bills which have been brought forward from last year. The question of oil seeds is a question which has to be faced. Lots of oil seeds are exported outside the country. By their export we lose not only the oil, but, more important than oil, the oil cake by which I mean manure which our land very lamentably lacks, and also fodder for our cattle. Besides these the oil industry would be able to provide thousands of men with labour and sustenance. So, if research can be made, and this industry made possible, in this country, that will be welcome. While generally supporting the Bill, I am not able to understand or give support to certain clauses.

Mr. Tyson has said that the probable amount of money that he will get is Rs. 24 lakhs. I have not been able to gather from what source or figures he has arrived at that conclusion. I have not seen figures of the number of oil mills existing in this country and the number of maunds of oil which is produced in this country. Apart from that the export of oil seeds outside this country is very large indeed if we go by pre-war figures, as during the war it is quite possible that the export must have suffered due to abnormal conditions, and we can never base our action on these abnormal conditions. From 1930-31 to 1937-38, that is pre-war period, I see there has been a steady increase in the export of oil seeds outside this country. Castor oil which was ninety lakhs of

maunds in 1930-31, was 92 lakhs in 1937-38. Ground-nuts which was 6 lakhs odd in 1930-31, was 8.35 lakhs tons in 1938-39. So also linseed: it was 2 lakhs 56 thousand tons in 1930-31, it is 3 lakhs 13 thousand tons in 1938-39. So, Sir, the most important seeds have increased in export.

There may also be a great quantity of oil which is being imported into this country, and may I suggest to him that, instead of imposing a cess on oil crushed in this country, it would be better to put an export duty on oil seeds sent outside this country, and an import duty on oil imported into this country. If this is done, not only will Government get revenue enough for this fund, but that by itself will support oil producing industries; that will help to keep within the country oil seeds which are being exported, and oil being made in this Country, and oil cakes being utilised in this country as fertilisers and as fodder. So I suggest that a cess should not be levied, as mentioned in clause 3 of the Bill on oil crushed in this country, but that an import duty must be levied on the oils imported into this country, and an export duty on seeds exported out of this country.

Now, Sir, it is true that a few researches that have been made in this country have brought out that the present oil resources can be utilised for purposes for which they have not been used till now. In Calicut it is a friend of mine who found out that ground-nut oil could be used instead of crude oil to run engines, and in some places I know that ground-nut oil has been used instead of imported crude oil, but crude oil is so much cheaper, and so ground-nut oil cannot permanently displace crude oil. I believe, Sir, that with research many of the oil imports which we regard as indispensable for running diesel engines, motors, etc., can be substituted by ground-nut and other oils.

I have only one more point to mention before I sit down, and that is about section 4, about the suggestion of the Central Oilseeds Committee. I find that on every one of these Committees—it may be oil seeds, it may be cotton, it may be rice—representation is given to two bodies. I do not know whether separate representation for these two bodies is necessary. They have almost become vested interests. One represents the Federated Chambers of Commerce, and another the Associated Chambers of Commerce. With so many representatives of interests concerned I begin to doubt whether another person is necessary from these two bodies which I have mentioned just now.

I would draw the attention of the House only to one other matter, and that is clause 13. I suppose this Bill has to a great extent been copied from the Cotton Cess Act. Clauses like clause 13, sub-clause (2), have been opposed in this House many times. One was opposed in the Amendment Bill to the Income-tax Law which the Honourable the Finance Member refused to introduce to-day. I suppose, Sir, the Select Committee will go into the matter and make the necessary amendments.

Sir, we support the motion for Select Committee.

**Mr. T. T. Krishnamachari** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Mr. Chairman, it is one of the several Bills that have come before the House in the same shape or form. I remember two years back we passed the Coconut Committee Bill, and if I oppose this Bill today I am sure my Honourable friend, Mr. Tyson, will get up and say that at the time the Coconut Bill was passed I suggested that the whole scheme of oil production should be taken together, that coconut and oil seeds should be clubbed together, and that there should be one Committee. I still hold the same view. It might be that coconut is a different type of product, but it is used for the purpose of extracting oil by and large, and I think it would have been better if my Honourable friend had one Committee instead of two Committees, one for Coconut and another for oil seeds.

With regard to the composition of the Committee, my Honourable friend, Mr. Avinashilingam Chettiar, had something to say which is worthy of being noted. It is the same Committee of 52 members over again like, for instance, the Rice Committee. For the time being the Rice Committee appear to be in

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suspended animation. We had the same schemes in the Coconut Committee Bill which is now an Act. And there are several other legislative measures before that of an analogous nature. I think, S.r, Mr. Tyson and his advisers will profit if they give some time to the study of the working of these Committees. If the Committee is to be useful at all, I do not think a committee of 52 is necessary, though it might be said that in clause 18 they have provided for the appointment of a Standing Finance Sub-committee or other sub-committees out of this committee of 52. The Mover of the Bill said that he expected about 24 lakhs of rupees to be collected by way of this cess at the rate of one anna per maund; and if the travelling expenses of these 52 peoples is to be paid a good portion of this 24 lakhs will come out of it. If this committee is to do some good, it ought to be in the shape of an expert committee and I think the Government will do well to co-operate with the Select Committee in trying to cut down the number, so far as this committee is concerned. It might be very good to have a committee with a constitution similar to what is outlined in clause 4 if you are framing a constitution for this country; but we need not go into that elaborate length when you want a committee merely for the purpose of helping the oilseeds industry.

This Bill reproduces some of the defects which we pointed out when we discussed the Rice Committee Bill. The fund that is to be created for this committee is by means of a collection of one anna per maund on every maund of oil milled; and a mill is defined in the section relating to definitions. There is again the same rigmarole of a miller having to send out monthly returns, the collector having to assess him; and as my friend Mr. Avinashilingam Chettiar pointed out very pertinently, there is a clause 13—a similar clause finds place in the Coconut Committee Act and in the Rice Committee Bill, in the Cotton Committee Act and so on,—a provision to which this House seriously objected in relation to Income-tax. Obviously the miller is not a particularly powerful person in this country, and it does not matter if the mill is entered by the authorities concerned and his books seized and sealed for whatever purpose it may be.

What I really object to is this: if this Government has adopted a particular method of improving the production and marketing of a particular article, need that be followed right through? Cannot their intelligence be exercised in regard to varying the procedure and simplifying it? Cannot the Honourable Mr. Tyson, for instance, take advantage of that new fangled machinery that has been established in the Commerce Department, the administrative intelligence room, and find out from them how the whole matter can be simplified, instead of this elaborate procedure for a comparatively little amount of work that has to be done in connection with the oilseeds industry and the very doubtful results that may ultimately be yielded from this proposal? We do object to the same kind of provisions being brought in and we also object generally to the creation of autonomous bodies for every particular article that is produced and marketed in this country. There will ultimately be no end to it. We shall probably have as many committees as there are articles produced in this country if we go on developing on these lines.

I think the Honourable Member would do well before proceeding with this measure to see if he cannot club two or three or four products together and put them under one committee. Since he is going to give such wide representation and allow 52 people to travel to Delhi or whatever the headquarters of this committee happens to be, why not make the number a hundred and get representatives of four or five different industries brought under one Bill? Otherwise, if we are to go on at this rate of having one committee for one particular product, there will be no end to it. While I am unable to sympathise with the need for circulation, because I do not suppose anybody is going to trouble himself about it and send an opinion, I am not quite convinced of the need for the Bill itself in its present form. I think it is worth while for the Government to investigate

and find out if they can simplify this process, both in the matter of collecting the cess and in the matter of the working of the Committee and in the matter of the constitution of a committee, and whether some different or new ideas cannot be brought in by which the whole thing can be simplified.

I do not know what the Select Committee will do, whether the Select Committee will pass this particular Bill in the same way as this House passed a more important measure like the Indian Patents and Designs Amending Bill, merely on the strength of the fact that previous measures have been passed without much scrutiny and therefore even this can go in. My Honourable friend Mr. Chettiar has at any rate blazed the trail in regard to one particular clause. Consistency requires that the House should object to clause 13. At any rate there is no point in having this clause in this Bill, when we objected to it in a more important measure.

I would conclude by saying this: that I would like the committee to go thoroughly into the Bill, to cut down drastically the duties cast upon the collecting officers and urge upon the Provincial Governments, to find out some other means, if possible, by which they can collect a fund for this committee without so much of fuss and also to reduce the number constituting this committee; and finally to explore, if possible, to bring the various committees of this type together and suggest to the government to drop this Bill, if necessary, and bring it in a different form.

**Mr. H. A. Sathar H. Essak Salt** (West Coast and Nilgiris: Muhammadan): Sir, I have great pleasure in supporting the motion moved by my honourable friend, Mr. Tyson. I consider this measure as a very useful one. Our production of vegetable oils is a very important industry in India and our export of oils in pre-war days was also considerable. Anything done to improve the quality and quantity and for carrying on research work—any measure that helps towards it is a measure which we must support. I hope that the Select Committee, when it sits on this Bill, will improve this Bill as much as possible and we will have a measure which will be of as great benefit to this country as human ingenuity can produce. I have only one suggestion to make to the Select Committee. With regard to the constitution of this Central Oilseeds Committee, with which clause 4 deals, I find that a number of commercial bodies are authorised to send representatives on this committee. Sub-clause (n) provides for one person representing the Federated Chambers of Commerce and sub-clause (o) provides for one person representing the Associated Chambers of Commerce. But I do not find the name of the Muslim Chamber of Commerce in this. I hope nobody will consider this as a communal claim but all the same these Muslim Chambers of Commerce are serving a very useful purpose in this country; they have become established associations which have a representative value of their own. They are dealing with a very useful branch of the commercial community in India; and therefore I not only suggest but urge strongly on the Select Committee that they should see that provision is made for at least one representative of the Central Muslim Chamber in the country. With these words I support this motion.

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): Left to myself I would certainly have taken very strong objection on a matter of principle to the procedure being followed by the Government of India in regard to these Bills concerning commodities, the commodity cess Bills as they have come to be known. I have already made one point very clear to this House and also to the Government, and that is that in regard to all these researches and marketing schemes it is the responsibility of the general public as a whole to do its best to make the Government spare adequate funds as well as other resources in order to protect the interests of the growers of these various commodities. When it comes to industries and commerce, the Government of India has not yet come forward with any proposals that the concerned industries should bear the cost of the various researches, laboratories and other schemes that are being financed by the Government. On the other hand, only when it

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concerns itself with agriculturists, it seems to tell them "you had better look after yourself. Your needs are so many that you cannot very well place adequate funds at your disposal. What is more you are so powerless in politics that unless you are prepared to finance your schemes, there is no chance at all either of this Legislature or of this Government placing the necessary funds at your disposal in order to finance the requisite schemes". Some such thought seems to be at the back of the mind of the Government of India and those concerned with agriculture and that is why I am afraid they are coming forward with such Bills but all our discussion in this House seems to have been wasted away on this Government. It does not seem to be benefiting itself at all by our discussions. Speaker after speaker has made this point when the rice Bill came up for discussion and yet the same sort of Bill is being introduced today without any alteration. Some clerk somewhere seems to have drafted. Some draftsman seems to have approved it for one particular commodity and then another clerk is expected to get the same Bill out for various other commodities as and when necessity arises and the Member concerned seems to be simply saying 'it looks and sounds well. Let it go to the Legislative Assembly without any alterations and let it go to the Select Committee and let the Select Committee look after itself'. That seems to be the attitude of the Government. If that is not the attitude of the Government, what sort of excuse can there be for Government bringing forward mere copies of their earlier Bills. There was, for instance, a very important point raised in regard to the relative importance of the different provinces and the necessity for providing varying quantum of representation in proportion to their respective importance in the production of these different crops. I find here only one little distinction is made. Certain provinces are given two representatives each for their growers. Certain other provinces have one representative each. I do not know how my Honourable friend Mr. Tyson justifies this. I find some are left out also. As regards agricultural statistics I find that under groundnuts alone there is an acreage of 2,327,000 and the other one that comes anywhere near it is rape and mustard seeds—one million 104 thousand. All the other seeds account at the most for only 400 thousand tons. We find Madras alone accounting for 1,73,000 tons and there is no other province which accounts for anything more than half of it in any seeds and yet Madras is treated the same way as other provinces are treated. I can make the same legitimate complaint about other provinces, especially U. P., C. P. and Bihar. These facts do not seem to have been brought to the notice of the Government while they were preparing their Bills. We make so many points here but they do not seem to be making any impression on this Government, because another time they will again bring forward the same sort of Bill without considering these points.

Then there is another point. At the end of the war, the oil seeds producers of this country are likely to be faced with a slump in the market. There is Argentina and several other countries who are interested in producing many of these oil seeds. Several of the African colonies of the British Empire and French Empire are interested in this. They also compete with our oil seeds. Therefore there is every necessity for the Government to take adequate measures to provide themselves with sufficient funds and to build up sufficient funds, so that it may be possible for them to protect our growers and ensure increasing exports and also profitable markets in other countries. What do the Government propose to do? They propose to raise 25 lakhs per annum. How far will this money go? Is it sufficient for protecting our people? So far as marketing is concerned, it will be only a flea-bite. What does the Government propose to do? It proposes to collect all this money from the growers themselves. We are going to collect it from the factory owners. It may not be the factory owners who will be paying it. It will be the growers. Of course it will be open to the Finance Member and other Members on the other side to say 'let the peasants organise themselves into, co-operative marketing societies. Let them organize themselves in other ways also. They can resist

these factory owners and other merchants and force these other people to pay the cess and not pay it themselves'. That takes us nowhere. The fact remains that our peasants are unorganised, either co-operatively or otherwise. They are not able to resist the pressure of these merchants and also the Mill-owners, so much so that the incidence of the cess can fall mostly, if not wholly, upon the growers. Is this the only tax that they are made to pay? Are they not paying land-revenue already? Is that not absorbing as much as 50 per cent. of their net income so far as the ryotwari areas are concerned and 50 per cent. of the gross income so far as the zamindari areas are concerned. Show me, Sir, any other class of people in this country who are made to pay as much as 50 per cent. of their gross income or 50 per cent. of their net income towards taxation. You may say 'Yes, the rich men are paying'. If you remove the Excess Profits Tax, certainly, no rich class of people in this country are paying as much as 50 per cent. of their net income, not to speak of 50 per cent. of their gross income. This amount is being contributed by the agriculturists. It is because of the land-revenue and the provincial excises that the Provincial Governments are being financed and maintained. You have your own Government of India excise. The Government of India excises today are 48 crores, that is, three times what the rich people were paying as income-tax and super-tax, that is, 16 crores, before the beginning of the war. The rich people were paying in 1939, a sum of 16 crores, that is, one-third of what the poor people and the peasants are paying today as commodity tax, which is 48 crores. Not being satisfied with it, in various provinces you have also got the sales tax. On whom is this incidence of sales tax falling? Once it was maintained that it was mostly falling on the merchants, but when the merchants protested, it was said to fall on the consumers, and when the consumers also protested, then it was whispered that it should fall on the producers. In actual fact, I can tell you that in the receipts which the merchants grant to the peasants for purchase of their produce, the sales tax amount is deducted from the price which the merchants pay to the producers. You may say this is illegal. But there it is. The peasants are not in a position to take advantage of your law. For a paltry sum of one rupee, or two rupees or even three rupees, you cannot expect the peasants to go to a court of law against the merchants to recover the amount. So you cannot blame the merchants, because their business is to eke out a living by this means. On the top of all this heavy burden, you also want to impose this new burden and you say you are not accountable to the peasants with regard to the way in which you will spend this money. You will spend the money on high salaries and so on. Now, you say, here is the fund which will be collected from the peasants and placed at the disposal of the peasants to be managed by the peasants and therefore why don't you agree. My reply is, first of all why do you tax our peasants so inordinately. For what purpose is the money utilised? Are they solely in the interest of peasants? If you collect this cess from the peasants, then in all conscience, it is the duty of the Government to make a contribution from the general revenues also towards this fund. I do maintain that if you are going to collect Rs. 25 lakhs from the peasants, then you should contribute a like amount from general revenues. It is only then there will be justice, otherwise it will not be fair. I hope it will be possible for the Select Committee to accept my suggestion and make a similar provision in the Bill. Let me warn the Government that if they only send the Bill for circulation, its fate will be sealed. What has become of the Rice Bill? Why have the Government of India who were very anxious to proceed with the Rice Bill not come forward to the House and communicated the opinions received from the public?

**Mr. J. D. Tyson:** We have not yet got the opinions.

**Prof. N. G. Ranga:** Opinions are still coming. Does it mean that people are still thinking what opinions they should send? It is obviously such a serious matter. They do not like it. They do not want this cess. At the same time they do not know how you are going to deal with that. That is why you are still getting opinion. If other opinions which have been received till now have

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been thoroughly favourable to you, then I am sure the Government would have rushed to this House with those opinions.

**Mr. J. D. Tyson:** As a matter of fact, Government do not collect the opinions. The opinions are collected by the staff of this House and they are made available to Honourable Members opposite and to me simultaneously by the staff of the House.

**Prof. N. G. Ranga:** The Honourable Member has not seen the opinions. I have had occasion to talk to some people and they told me that they had sent their opinions. I know what opinions they have sent. They take the view that the Government should contribute as much from general revenues as they propose to take as cess on rice. Many of these people who have given this opinion are totally opposed to the imposition. That is the stand which the agriculturists take in the country along with the general public. You cannot therefore so easily walk away with our funds by simply saying, "we create the fund, we constitute the committee amongst you and your committee will spend the funds".

Now, Sir, I come to another point. I agree with my Honourable friend's suggestion that there is no sense in having a separate committee for coconuts and another for oil that you extract from coconuts. These two must be amalgamated into one. Another reason why I want such an amalgamated committee is this. Our coconut and copra producers are obliged to compete with Ceylon producers for a long time past. The Government of India always showed a soft corner for the Ceylon people as against Malabar producers with the result that the Malabar producers always suffered. We have been fighting for protection, but in vain. So, I suggest that any fund that may be placed at the disposal of coconut producers should be sufficient enough so that they may commandeer sufficient funds to be able to fight, if necessary, the Ceylonese production and also make effective representation to this Government. It will not be possible for them to do so with this sort of coconut committee and with very inadequate funds. So, in their own interest, it will be good if they are amalgamated with oil producers. I agree with Mr. Chettiar's suggestion that instead of imposing this cess on all oil seeds that are taken to factories, you may impose a duty on export of oil seeds, oil cake also and a similar duty on what may be called imports of oils, oil cakes, etc., and other by-products and place all these funds at the disposal of this committee.

I cannot agree with my Honourable friend when he says that the strength of this committee is rather too big. Our complaint often is that this House is not given sufficient time to go into details and control the Government. That is why the idea has been adopted by this Government as well as various other governments to have *ad hoc* organisations or semi autonomous organisations. These semi autonomous organisations ought to be representative. They are not meant to be merely expert organisations. If they are to be purely expert organisations, then the ordinary public who may be interested in such subjects may not find a place and their point of view cannot be expressed. We know that these experts are all good up to a point. They are to advise us, to assist us and stand by us, but they are not to be the sole directors of everything. In fact, if you trust too much to your advisers you will go the wrong way. It is much better that these semi autonomous organisations should be predominantly non-official in character. They should not be packed with experts alone. They should be given the liberty to invoke the aid of experts if necessary. The number 52 has been taken objection to, on account of travelling allowances, etc. If you keep in mind that the amount proposed to be levied is 25 lakhs, I am sure there is no valid objection against the number 52, on financial grounds. Such a committee cannot be expected to meet more than twice a year. It is bound to distribute the work to sub-committees and it will be open to these sub-committees to invoke the aid of experts. Therefore there can be no valid objection to the strength of the committee.

My next objection is in regard to the constitution of this committee. Why do you want the Associated Chambers of Commerce to be represented on this committee? We took objection to that very handsome body on the last occasion, and yet this Government comes forward here. Are they producing oil or producing oil seeds? Of course, they are producing oil from out of our oil seeds and make much more than what our oil seed producers are able to make. And even in the oil production industry they occupy an infinitesimal place. Why should they get one seat on it? You may say that you do not want to make any discrimination and so on; but where does the discrimination come in? Who prevents these gentlemen from joining the Federation of Indian Chambers of Commerce? The Indian Chamber of Commerce is not confined to people of one colour only. But these people want to keep their separate colour because they are communalists and communalists. Why should you want to go and encourage these people? I could understand it if they really were responsible for a very great proportion of the industry, but they are not. There is a claim made by an Honourable friend here for the Muslim Chamber of Commerce. We want to encourage them. Give a seat to these people and do not take it away from people who really deserve it.

Then, Sir, from agriculturists you want 15 persons to represent the growers. But look at the partiality of our friends. In clause 4(p), they provide for—

“four persons representing trade and industry generally to be appointed by the Central Government after consulting the appropriate commercial association.”

These “appropriate commercial organisations” come in there; but when it comes to the growers the Provincial Governments are the dictators and they are to select anybody that they like. They are not to make any sort of effort at all to consult any appropriate peasant organisations before they make their nominations. And why? Sir, this is not the first time I am making this suggestion; for the last ten years I have been making this suggestion to Government, and yet this Government of ours is not interested in acceding to our request. I know the reason. There was a time when I wanted leave of the Governor General to introduce a Bill for the formation of peasant unions on the lines of the Trade Unions Act, but the Governor General refused to give his assent. They do not want peasants’ unions to be organised in this country, and to the extent that they have organised themselves they would like to put their leaders in jail whenever they can. Even today many of them are in jails. Why are they so much opposed to peasant unions? It is because the peasants form more than 75 per cent. of the people of this country; if they come to be organised and go into these committees and gain inside knowledge of Government, it will be possible for them to begin to think of governing this country and gain control of this Government. It will then be possible for them to lend greater strength than they have been able to do to our own revolutionary movement and the nationalist movement in this country and try to replace this Government by a more proper Government. If that is not the reason I should like my Honourable friend to tell us why they do not want to take any sort of steps at all to give organisational representation to our peasants, wherever these organisations are. Or, if the organisations are not there it is the duty of this Government to encourage these peasants to form themselves into organisations of peasants. I will give them a precedent in England. There they have got the Trade Unions Act, the Trade Boards Act and many other Acts of that kind. One of the objects with which these trade boards were set up in England was to assist these otherwise unorganisable workers in sweated industries to organise themselves, because they wanted them to give an inducement and an encouragement to send their organisational representatives to the trade board concerned. Similar steps ought to be taken by this Government also.

Then, Sir, they have made a very revolutionary departure,—how they came to make it I do not know,—and that is to provide two persons representing the village oil seed crushing industry to be appointed by the Central Government.

[Prof. N. G. Ranga.]

But why two only? When you are providing for so many representatives for these various other bodies, are these so few? If my Honourable friend Mr. Tyson will look at page 38 of the Statistical Abstract of 1938-39, he will find that the castes *Teli, Tilli, Chakkan, Ganig, Ghanchi* and *Vaniyan*, who are engaged in the oil-crushing industry number as many as 50 lakhs of people, which is as many as the proletariat and industrial workers in all your organised industries. And yet for all these 50 lakhs of people who are eking out their livelihood in the oil crushing industry you want to provide only two representatives. And how are you going to select them? You will perhaps pick and choose some Rai Bahadur, although I do not think there can possibly be any Rai Bahadur coming from these castes. But you will just choose some one or other and simply give him that name for the time being and say "You represent the *Teli* caste". That is the game you have been pursuing. That is why I say that in all fairness you ought to adopt the same procedure that you adopt in regard to commercial interests by recognising their organisations, and at the same time providing more adequate representation for this very important interest.

Then I come to my last point which is a general point and that is this. What kind of control shall a legislature like this have upon these semi-autonomous organisations? You go on multiplying these organisations. They serve a very good purpose. But are they to be so completely autonomous that this Legislature would have no control at all over the manner in which they recruit their staffs, maintain them, dismiss them and so on, and the manner in which they spend their funds? Yes, you have of course taken power for Government to scrutinise their financial propositions, even their budgets, and also to make rules for the appointment of their staff, and so on. But where does this Legislature come in? You will of course say that when a representative Government comes in it will be enough to leave all this power to the ministry in power. But I say it will not be enough. However representative the ministry may be, it is always necessary to empower the Legislature to control that ministry in a suitable manner, otherwise every ministry, however popular it may be, tends to abuse power. Every individual, every institution, every ministry has always been found to abuse power if that power is absolutely unrestricted. And therefore it is most necessary, if you want to make your democracy really an effective thing, to vest the legislature concerned with sufficient powers so that it will be possible from day to day to control the administration concerned. I do not of course mean to say that your legislature should have power to go into every detail of the administration of these semi-autonomous organisations. But they should lay down general principles year after year and also have liberty to scrutinise how the work is being carried on. Therefore a report has to be made on the working of these semi-autonomous bodies, not only to Government but also to the Legislature. An opportunity should be given not only to Government but also to the Legislature to scrutinise the manner in which such organisations are conducted and how they spend their monies, and so on. Therefore I want an additional provision to be incorporated in it at a suitable place to give sufficient power to this Legislature, as and when these annual reports are submitted to the Legislature, to take up the administration of these various bodies. We have the railways; we have a chance of discussing their affairs. We have the Posts and Telegraphs; we have a chance of discussing their affairs. My Honourable friend will perhaps say that that will take too much time, but that will be the concern of the Legislature. If the Legislature is satisfied with their affairs and the way in which they have conducted their business, certainly it will not insist on a discussion. But the Legislature should know how this work is being conducted. If they know it and if it is found that there is anything objectionable, it will be open to any Member of the Legislature to get up and ask for time to discuss these things. Therefore suitable provisions should be made in this Bill to make it possible for this House to be empowered adequately.

Sir, with these words I can only say that I accede to this motion for a Select Committee, though I cannot possibly make myself responsible for the principles underlying this.

**Mr. E. L. O. Gwilt** (Bombay: European): In rising to support this motion, there are one or two points I would like to bring to the attention of the House, at this stage of the Bill. It provides for a cess to be levied on oil seeds crushed in British India thus only oil coming from Indian States will be able to compete to the extent of the cess. I suggest, therefore, that this competition will be obviated by the levying of the cess, in the same way as octroi, on oil arriving at British India stations from mills in Indian States. The proposed cess will be levied exclusively on mills which crush oil seeds with the aid of power, and if the Select Committee accept the Bill as it is framed at the moment, considerable quantities of oil produced in British India by bullock-driven or hand-operated crushing installations will escape. These installations also produce vegetable oils other than groundnut oil, and as it is an object of the Bill to improve and develop the cultivation and marketing of oil seeds in general, I suggest that consideration be given to levying the cess on a more general basis as presumably all producers will eventually benefit by the activities of the Committee.

I also suggest that the cess should be levied on the export of oil seeds. Groundnut seeds are exported in large quantities and any improvement in the quality and the yield of such seeds would be a direct benefit to exporters as well. There is a cess on the export of coffee, for example, the proceeds of which go to the work of the Indian Coffee Board.

There is a further point I suggest by be examined. It is proposed to appoint to the Committee, two persons, representing the power oil seed crushing industry, but having in mind that a large part of the financial burden will fall on this industry, it would appear inadequately represented by only two persons out of a total of 52 constituting the Committee. Despite what the Honourable the Mover said, I think, Sir, that 52 will prove a very unwieldy committee, but again, despite what I have just said, I propose to name a further representative, one from the Imperial College of Agriculture.

There is one further point: I would like to draw the attention of the House to the fact that a cess on cotton seed would apparently mean a further tax on *kappas* which is already taxed by the cess on cotton. I understand that the Central Cotton Committee have recently recommended, by a majority, that the cess on cotton be increased. If this is put into effect then, presumably *kappas* which is two-thirds cotton seed by weight suffers in price also. In case cotton seed cannot be excluded, then I suggest the cess on it be nominal in view of the cess already borne by cotton. As I have indicated, Sir, I support the motion.

**Mr. Hoosainbhoy A. Laljee** (Bombay Central Division: Muhammadan Rural): Sir, I support the Bill, and my chief object in supporting the Bill is that it is high time that we should do something for our agriculturist. As it is stated in the Statement of Objects and Reasons, India is one of the world's principal producers of oil seeds, and it is a fact that we have done nothing so far for the improvement and development of the cultivation and marketing of oil seeds.

So far as the question of representation is concerned, I do not agree with the suggestion made by my Honourable friend, Mr. Gwilt. The representation given to the Banaspati industry is, in my opinion, much more than they should have. There are hardly 16 mills in India and to give them two seats in a committee of 52 is very much indeed.

I am sorry I cannot agree with him with regard to taxing the small oil-producing factories run by bullocks or otherwise without power, because such installations come under the category of cottage industries. They are only maintained to give some food to the starving people, and this vocation is supplementary to other income that they derive out of cultivation. They do not

[Mr. Hooseinbhoj A. Lalljee.]

make much money and besides they have to feed their bullocks and maintain them for agricultural purposes.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

I conceive there will be some improvement as a result of these efforts, but that is due to them. We have done nothing for them, but it is but fair that this industry, which is very poor, should not be taxed, at least not until it becomes as efficient and paying as the Banaspati and other power factories.

I do not also agree with the suggestion made by my Honourable friend with regard to putting a duty on the export of oil seeds. The reason is very plain: we do not want to export anything which we can consume, but we do want to export all that we cannot consume and for that we have to find open markets. It is always the policy of foreign states, and more particularly of the civilized States, that so far as export prices are concerned, they are many a time lower than the local prices, the whole object being that we should only export such quantity and material as we cannot consume and get value for the same. I shall be only too glad if we can utilize all our oil seeds and oil pressed in this country; it will be very very good. If we take into consideration the quantity of paints and of lubricating oil that we shall have to import for the textile, jute, sugar and various other kinds of mills, and our Railways, you will find that it is time that we start doing all we can to produce lubricating oil and other oils for use in the manufacture of paints, soaps and so on. Therefore, I do feel that this Bill is very very essential and let us hope that this Committee will be able to work in that direction and save the country from exporting the oil seeds, for we have to pay so much for oils that can be produced from them.

We have also to consider very seriously that by exporting our oil seeds we also lose the production of oil cakes which is very very essential for our agricultural purposes—for manure and for food for cattle. I feel that we ought to welcome this move on the part of Government.

With regard to the representation that has been given to the growers, I do agree with my Honourable friend, Prof. Ranga, that that representation ought to be much more. We have given a very large proportion of seats to the trade and I do not know how my friend is going to select "four persons representing the trade and industry generally to be appointed by the Central Government after consulting the appropriate commercial associations", as he puts in the Bill. From all over India he is going to select four gentlemen to represent trade. Then, Sir, I do not think there is any need of two persons to represent the exporters if you are going to have one person representing the Federation of Indian Chambers of Commerce and Industries. You might give the representation either to this latter body or to the Exporters' Association.

Then there are to be three persons representing the consumers of oil, and three more members as the Central Government may appoint to represent interests not otherwise represented. I want to know from my Honourable friend, the Secretary-in-charge, whom does he mean by this. Really speaking the persons vitally interested are the producers and they are to be given only fifteen representatives. In view of the fact that they are the largest body in the country and spread all over it, they should have more representation.

Then I would also like to know from the Honourable the Secretary whether he thinks that hereafter also we shall have these departments of Industries and Civil Supplies and of Food. Whom does he propose should come in and for what period? I am in favour of this Bill and I want that the growers must be represented and furthermore that we should have persons who are vitally interested—I mean the agriculturists. Some arrangements should be made with Indian states to fall in with us.

**Mr. J. D. Tyson:** I think the House has generally welcomed, or at all events reconciled, itself to, sending this Bill to a Select Committee. I propose therefore to be brief. I think most of the speeches that have been made have aimed chiefly at calling the attention of the projected Select Committee to some point or some aspect of the Bill. They have covered a good deal of ground and there have been quite a lot of interesting and important points raised which will no doubt be noted and dealt with by the Select Committee. It is therefore not much good my supplying the answers to all of them even if I could.

The opposition to reference of the Bill to a Select Committee came from my Honourable friend Maulvi Abdul Ghani and on two grounds only. One was that he feared that I was seeking to perpetuate the Food Department. The same point was raised by Mr. Hooseinbhoj Lalljee, regarding the Food Department and the Department of Industries and Civil Supplies. These two departments exist at the present time and we are anxious to have representatives from them on our Committee so long as they exist: we have therefore provided for such representation in the Bill. When they go out of existence, if they go at all, we shall have to come back to the Legislature, no doubt, to amend the Act. But that, I think, we must leave to be dealt with when the situation arises.

The second point made by Maulvi Abdul Ghani was that we already had in the provinces Departments of Agriculture and of Industries: What is the need, then, for having a Committee here to do this specialist work. Would it not be duplicating what is done by the Departments of Agriculture and Industries in the provinces? I really think that my friend expects far too much from these Departments in the provinces. Very little basic research can be done by them as they are constituted at present but we should like and expect all these Provincial Departments of Agriculture and of Industries to apply and to modify according to local conditions the advice they get from this committee, and that is how this committee and the departments of the Provincial Governments will fit in together.

A point has been made regarding the estimate I gave of the possible proceeds of this Bill at the maximum rate. I am afraid I have not got exact figures of the number of mills or, what is more important, the exact quantity of oil seed that is crushed in the power-operated mills but the calculation was made in the following way. We know the quantities of oil seed produced and retained in India. From that the quantities estimated to be used as seed and used for purposes other than crushing can be roughly calculated: and that has been done and from this again the estimated quantity crushed in village *ghanis* has been subtracted and that gives us the quantity crushed by the mills. It is, I admit, a very *andazi* way of arriving at it.

Then the second point that was raised by Mr. Chettiar was: Why do we raise this money for this Committee by a cess on oilseeds crushed in mills? Why not raise it by a cess on exports of oilseeds and a cess on imports of oil and oilseed products. We considered that and the answer, I think, is this. The import is comparatively unimportant in quantity. We should not get anything like the money we need, I believe, if we relied on an import duty. As regards an export duty, the figures of exports have varied very considerably, though during the last few years just before the war the figures of exports were increasing. Looking back to a period a little before that, I find that the figures were very much greater in the years 1927-28 to 1929-30 than they seem ever to have been since and there is in fact very great fluctuation from year to year. We should prefer a steadier basis for the Committee's finances. It is also a fact that oil seeds exported are already paying a small cess under the Agricultural Produce Cess Act. (That was an Act which was passed by this Legislature in 1940 to supply the Imperial Council of Agricultural Research with a separate source of income). But in any case we are not very keen, and I do not think anyone in this House is very keen, that we should export large

[Mr. J. D. Tyson.]

quantities of oil seeds. I should like, if I may, to recall a point that was made in the discussions on that Bill in 1940 which will illustrate my present point. We had there, in the Bill to provide the Imperial Council of Agricultural Research with a separate source of revenue, a schedule containing some twenty different commodities which were to bear a small export duty and one of them was "bones": and I remember my Honourable friend, the Vice-Chancellor of Aligarh, making an impassioned speech and saying "we should not export bones. We wanted them in this country for fertilizer. I would wipe out the whole of this schedule except bones and I would put a prohibitive export duty on bones". Of course he was quite right. We would have kept the bones in the country,—but the I. C. A. R. would not have got its funds? In the same way we are not very anxious to encourage the export of vegetable oils, certainly of oil seeds or of oil cakes, when we know that they could be utilised to the greatest possible advantage in the country. That is one of the reasons why we have not relied on an export duty to finance this Committee.

It has been suggested to us that we are having too many of these committees and that we ought to try and get a number of commodities dealt with together under one committee. On the contrary I think the object we have in view is really to have specialised research but I submit that the oilseeds group is in itself a very substantial group and I do not think, therefore, that there is very much in that line of criticism as applied to this particular Bill.

Then the representation given to the growers in our proposals was subjected to criticism. I confess that the representation we have suggested is not meticulously and arithmetically proportionate to the amount of oilseeds that is grown in each province, province by province. It simply is not possible to give each province representation proportionate to its production, but it is quite wrong to assume that we did not take that into consideration. We took into consideration the area, province by province, under the principal oilseeds and another factor considered was the percentage which that area bears in each province to the total cultivated area in the province. It is on the basis of production that we have given four Provinces twice the amount of representation for their growers that we have given to the other Provinces and we did not feel that we could go further than that.

While I am dealing with the question of representation I may remark that I have been asked on one side—at least it has been suggested that the Select Committee should be urged—to raise the number of the growers' representatives and I think it has also been suggested on the other side that we should raise the number of industrial representatives. In my remarks earlier this afternoon I pointed out that we have tried to reach a fair balance. There are 15 representatives of growers and if you add the various items together there are 15 representatives for the commercial side. I was also asked what are the three representatives to be nominated by the Central Government to represent interests not otherwise provided for and I have already indicated that one of these interests might possibly be labour and that we might also have (I do not say it is an interest) an economist. We do not know what other interests may turn up that we have not covered.

Mr. Gwilt made a number of points, perhaps the most important of which was—What we are going to do to prevent vegetable oil which has paid no cess coming in competition into British India from Indian States? It is a very important matter and I have no doubt the Select Committee will devote their best attention to its solution. I am not quite sure that it can be met in the simple way that he suggested by imposing, as it were, an octroi duty on the oil that comes in, because cess in British India is going to be collected at the mill, when the oil seeds are taken to the mill for crushing. I am not quite sure how we are going to say in respect of any oil that comes into British India from an Indian State whether it has come from a power-operated

oil mill or a bullock-operated *ghani*. It is an important point but it is one of great difficulty and I think probably—I only throw this out as a suggestion at this stage—the better arrangement would be to try to persuade those States which do grow oil seeds—and I know of one in the Southern part of India which is a very great producer of oil seeds and I think also a crusher of oil seeds—to get them to introduce parallel legislation and make over the proceeds to the fund.

The point about *kapas* will have to be looked into. It was an entirely new one to me, I confess. Again, I am not quite sure what my Honourable friend meant by the Imperial Agricultural College. Perhaps he meant the Imperial Agricultural Research Institute.

Prof. Ranga has raised a good number of points and I am not quite sure where he stands with respect to this Bill. I gathered that he liked some of it but on the whole he is opposed to it and to its going to a Select Committee. I can only hope that, taking his speech as being generally against the Bill, he will run true to form and, as he did on a recent occasion, having spoken against my Bill, he will, if necessary, go into the lobby in favour of it! I recall that last November he spoke against Mr. Neogy's amendment to my Food and Agriculture Organization Resolution: he spoke against the amendment but voted for it!

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1945."

The motion was negatived.

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

"That the Bill to provide for the creation of a fund to be expended by a Committee specially constituted for the improvement and development of the cultivation and marketing of oil seeds and of the production and marketing of oilseed products be referred to a Select Committee consisting of Prof. N. G. Ranga, Mr. Satya Narayan Sinha, Mr. M. Ananthasayanam Ayyangar, Pandit Shambhudayal Misra, Mr. Muhammad Hussain Choudhury, Dr. Habibar Rahman, Maulvi Muhammad Abdul Ghani, Mr. Govind V. Deshmukh, Mr. E. L. C. Gwilt, Sir Abdul Halim Ghuznavi, Rao Bahadur N. Siva Raj, Kunwar Hajee Ismael Alikhan and the Mover, that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

The motion was adopted.

## THE MINES MATERNITY BENEFIT (AMENDMENT) BILL

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

**The Honourable Dr. B. R. Ambedkar** (Labour Member): Sir, I present the Report of the Select Committee on the Bill further to amend the Mines Maternity Benefit Act, 1941.

## THE INDIAN ARMY (AMENDMENT) BILL

**Mr. Ram Chandra** (Secretary, Defence Department): Sir, I move:

"That the Bill further to amend the Indian Army Act, 1911, be taken into consideration."

Sir, this is a short and simple Bill and the necessity of bringing it before the Legislature has been explained in the Statement of Objects and Reasons. I do not propose to take the time of the House going over the same ground again. But there is one thing that I would like to add, and that is this. There is already a Committee of adjustment for officers holding King's Commission, whether Indians or Europeans, who are subject to the British Army Act. This Committee has been set up under the Regimental Debts Act. In fact there are two Committees of this kind, both located at Jhansi. One is for the India Command and the other for the South East Asia Command. It is now proposed that a similar Committee should be set up for Indian commissioned officers also and, broadly speaking, I may say that it is for this purpose that we have brought forward this Bill to amend the Indian Army Act before this House.

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill further to amend the Indian Army Act, 1911, be taken into consideration." There is an amendment.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): There is an amendment in my name, which I am not moving.

**Mr. Sri Prakash** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, there are one or two points on which I should like to have my mind clear. So far as the wording of this Bill is concerned, it seems to me, Sir, that a 'deceased person' and a 'deserter' are both put on the same level. A person dying while performing his duty, and a person flying away from duty, are certainly persons who should not be classed together. I should, therefore, like to know why these two have been put on the same level so far as this Act is concerned.

I understand, Sir, that this Bill is intended to enable the higher officers in the Army to pay off the debts of persons who die or desert. If that is so, I should like to know what exactly happens to the money that these people leave. Government are authorising certain officers of the Army to draw up to Rs. 2,500 from the bank accounts of the dead and the deserter, if they should have such bank accounts, to pay off their debts. I understand, Sir, that Army people have no bank accounts and have large debts. Any way, after all these debts have been paid off, if there should still be some money left, I should like to know how my Honourable friend opposite is going to adjust that amount both in the case of the deceased person and in that of the deserter. I assume that in the case of the deceased person, probably the Honourable Member will hand over the balance to his representative or successor, but what happens to the money of the deserter? Now, it may be that Government forfeits the amount; if that is so, might I suggest that conditions being what they are Government might also hand over to the family of the deserter, the amount that may be left in his banking account.

These are the only two things on which I should like to be clear before I make up my mind on the Bill.

**Sardar Mangal Singh** (East Punjab: Sikh): As my Honourable friend has put it, it is a short and simple Bill. As a matter of fact this Bill should have come before the House much earlier. It is necessary that provision should be made for the speedy disposal of the properties of those officers who die on active service as much inconvenience has been caused to their relatives. But there are certain points to which I would like to draw the attention of my Honourable friend, the Defence Secretary.

The first is this. In these days of inflation we are thinking in terms of large sums, and my Honourable friend has gone up in one jump from Rs. 1,000 to Rs. 2,500. I think this sum is rather large. The purpose would be served if it is limited to Rs. 2,000 only.

The second point to which I would like to draw the attention of the House is that in the original Act the Officer Commanding could draw the money at credit in a Government Savings Bank only. But in the new Amending Bill my Honourable friend has put in:

"and the power conferred by rule (2) to require payment of a deposit left in a Government savings bank shall be read as a power to require the payment from any deposit left in any bank."

Here he is enlarging the powers of the Standing Committee of adjustment. I think, Sir, only debts of camp and quarters should be paid from the money which is available in a Government savings bank in that cantonment, and that Government should have no lien on his other deposits lying in other banks. If the House accepts this sort of enlarging the powers of the Officer Commanding or the Standing Committee of adjustment, then tomorrow my Honourable friend may come forward and say that these debts of camp and quarters should be realised from the private property of the representatives of the deceased

officer. If there are any debts, Government or creditors should go to a civil court, but this sort of martial law in a matter like this should not be permitted. I hope my Honourable friend will give a satisfactory explanation to the House before he claims our vote for this very radical provision. Then, Sir, there is another matter in the second clause: it is sought to be added:

"The decision of the Commanding Officer or the Standing Committee of Adjustment, as the case may be, as to what are the regimental and other debts in camp or quarters of a deceased person, and as to the amount payable therefor, shall be final."

I should object to this. It is after all a civil matter. There should be a provision for appeal to a higher officer. It is not a matter which deals with security or law and order or the prosecution of the war. The representatives of the deceased person should have the right to go to a higher officer, if not to a civil court.

I hope, Sir, in this connection I might mention that it has been very unfair to us that this Bill is being taken up today. We thought that this Bill would come up on Friday, but the Honourable the Finance Member got up this morning and withdrew his Income-tax Bill, and therefore this Bill has come suddenly before us. And all the amendments of which we have given notice may or may not be taken up on account of the difficulty that they do not conform to the Standing Orders. Therefore, I would ask the Defence Secretary himself to amend this section suitably, so that there will be right of appeal to the representative of the deceased officer. Now, that officer has died on active service. He has given his life for the country. It is but fair that a right of appeal should be allowed: may be to his widow, may be to his old parents; I think the Government should concede this much right at least, that a representative might go to the higher officer for the adjustment of the debts.

Then there is the fourth point. My Honourable friend has taken advantage of this opportunity to define the regimental debts; and in that definition he has included expenses of last illness. Now, I think it is highly unfair for the Government to charge the expenses of the officer's last illness on account of which he has died. If an officer falls ill, obviously he goes to a Government hospital and if he recovers and lives there is some justification for claiming some of the expenses which he had to incur in the hospital. But when he dies, I think it is not fair nor just for the Government to claim the expenses of the last illness from the officer who has died. This will practically be recovery from his widow or his orphaned children or his old parents. It is very unfair. I hope these three or four points which I have mentioned will be considered by the Defence Secretary and if there is no opportunity for us to move amendments to this effect. I hope he will reconsider these and amend the Bill suitably and then, after those amendments I would recommend that this Bill may be passed. With these remarks I request the Defence Secretary to consider these points and give them his sympathetic consideration.

**Mr. H. A. Sathar H. Essak Salt:** Sir, we are in a very difficult position in regard to this Bill. It was expected that the Bill was coming on tomorrow because the Income-tax Bill was on the agenda for today; but unfortunately that Bill had to be withdrawn and now we are considering this Bill. Our difficulty is this some of us have given notice of certain amendments.

**Mr. President** (The Honourable Sir Abdur Rahim): When?

**Mr. H. A. Sathar H. Essak Salt:** This morning. Under the rules I know they cannot be moved today.

**Mr. President** (The Honourable Sir Abdur Rahim): They have not been circulated to the Members?

**Mr. H. A. Sathar H. Essak Salt:** There was no time, because I gave notice only this morning; but I have taken care to circulate some copies to some Members on the front Benches. I do not know, Sir, if you will be pleased to allow that amendment to be moved.

Mr. President (The Honourable Sir Abdur Rahim): I think it is too late.

Mr. H. A. Sethar H. Essak Bait: One way to get out of the difficulty would be for the Government to agree to carry on the discussion of this till tomorrow—there is only five minutes more to five—so that the amendment can be moved. (An Honourable Member: "You can go on for five minutes!") Yes; that is one way out of it. Very well. My friend, Sardar Mangal Singh has raised very important questions which arise out of this Bill. I am particularly interested in one point, and that was the point touched by my friend last of all—with regard to item (1) of Explanation 2—expenses of last illness. As stated by my Honourable friend I too feel that it will be very unfair on the part of the Government to seek to direct that expenditure incurred on the last illness of a deceased soldier shall be recovered from his estate. We in this part of the House at least have always believed that the Government takes full care of its soldiers and that their illness is the special concern of the Government and that really it is the Government that defrays all the expenditure with regard to the last illness of their soldiers. I do not know what is the rule—we in this part of the House have taken very little interest in these matters and that is responsible for my ignorance—but here we find that the Government have come up with a measure before this House and they want the sanction of this House for what? For allowing the Government to recover the expenses of the last illness of a deceased soldier, from his widow and his family. I think this is not only unfair but it is rather shameful, and I do not think that, stated barely just as I have stated, this House will be willing to agree to this item going in. I do not know—my Honourable friend may have some explanation but then that explanation will have to be a very very satisfactory one before this House agrees to accept it. I wish we get an opportunity tomorrow and I hope we will get it—for moving that amendment and getting my Honourable friend's explanation on that. Subject to that amendment, I extend my whole-hearted support to this motion.

Mr. T. S. Avinashilingam Oshettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, this clause refers to the case where the deceased person or deserter is an Indian commissioned officer on active service. In the Statement of Objects and Reasons it is said that the Commanding Officer has got a lot of work while on active service and so he is not able to attend to this work and so a committee of adjustments is necessary. So far it may be correct. A committee of adjustments can well take the place of a Commanding Officer in this matter.

But while doing that, they have by this amendment brought in fresh matter; and the fresh matter has been explained very clearly by my Honourable friend, Sardar Mangal Singh—they have increased the amount they can draw from Rs. 1,000 to Rs. 2,500; the committee of adjustments can draw the money not only out of the savings deposits held by the Government but out of the deposits made by the person concerned anywhere in the country in any bank: this provision did not exist before and does not exist today. Another is that judgments are made final under this Bill without any right of appeal and another thing which was referred to by my friend Sardar Mangal Singh is this. I am rather surprised at this. A man is on active service; he fights and gets a bullet wound and he dies, after treatment in the hospital. If he recovers the expenses are met by the state; but if he dies on active service and in fighting, even the treatment that was given to him in the hospital is charged to his own money. It is a scandalous thing—I do not understand what the Government mean by this. I do not know whether they understand what they have brought before this House. The real meaning of this is this: the clause says:

"Where the deceased person . . . is an Indian commissioned officer on active service, the references in the foregoing rules to the commanding officer shall be construed as references to the Standing Committee of Adjustment, if any, appointed in this behalf."

So far it is all right. Later on it says—

"The expression 'regimental and other debts in camp or quarters' includes for the purpose of this section money due as—(1) expenses of last illness."

That means that this Bill is brought here today because the Commanding Officer is very busy and cannot attend to these things because he is on active service and so a separate committee of adjustment is appointed. At the same time it is said that when a man dies on active service the expenses of his last illness are to be met, not out of the army funds for whom he has given his life, but from his estate. It is ridiculous and now, Sir, I come to another point. It is this. The judgment of no man or committee can be final in a civil matter but if it is a military matter, the superior officer's commands must be obeyed instantly and implicitly but this is not such a matter . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech tomorrow.

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#### STATEMENT OF BUSINESS

**The Honourable Sir Sultan Ahmed** (Leader of the House): As we have made sufficient progress today, we hope that the items on the paper for today will be finished tomorrow early. We hope that the Bill to amend the Indian Army Act and another small Bill to amend the Indian Air Force Act will be finished early tomorrow.

After that, there will be plenty of time and we propose that Sir Edward Benthall will move his motion for a supplementary demand under the Railway Budget, for the year ending the 31st March, 1946, in respect of Working Expenses—Miscellaneous Expenses.

After that, if there is time, we propose to start the Banking Bill but that depends entirely on the time available.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 3rd April, 1945.