

# COUNCIL OF STATE DEBATES

Monday, 15th April, 1946

Vol. I—No. 17

## OFFICIAL REPORT



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## COUNCIL OF STATE

*Monday, the 15th April, 1946*

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Hon. the President in the Chair.

### MEMBERS SWORN

The Hon. Mr. Geoffrey Stephen Bozman (Information and Arts Secretary).

The Hon. Dr. Dharendra Mohan Sen (Nominated Official).

The Hon. Mr. Ambrose Dundas Flux Dundas (War Secretary).

### QUESTIONS AND ANSWERS

#### PAY OF MILITARY ESTATE OFFICERS

284. THE HON. PANDIT HIRDAY NATH KUNZRU : (a) Is it a fact that while the minimum pay of a British Military Estates Officer is over Rs. 1,100 per month, the maximum pay an Indian officer can draw is Rs. 930 only ?

(b) Are Military Estates Officers subject to the same Pension Rules as Indian Commissioned Officers except that they can qualify for a major's pension after twenty years' service against seventeen years' service in the case of I. C. Os. ? If so why were they not allowed the benefit of the revised scale of pay for I.C.Os. which was sanctioned last year ?

THE HON. MR. A. D. F. DUNDAS : (a) No, Sir. The minimum pay of a British Military Estates Officer is Rs. 815 per month unmarried, and Rs. 850 per month married.

At present only three Indian officers are substantively employed as Military Estates Officers. They are all Viceroy's Commissioned Officers holding the honorary rank of captain. The maximum pay admissible to such an officer is Rs. 930 p.m.

No King's Commissioned Indian Officer or Indian Commissioned Officer is at present employed as a Military Estates Officer. If such officers are employed in this Department in future, their pay will differ by the Indian Army allowance, which is admissible only to K.C.I.Os. and those domiciled in Europe and is similar to overseas pay.

(b) Indian Commissioned Officers who may be appointed to the Lands Branch of the Cantonments Department are eligible for retiring pensions and gratuities and ordinary family pensions at the same rates and under the same conditions as are applicable to Indian Commissioned Officers of the Indian Army.

It has also been decided that Viceroy's Commissioned Officers holding honorary King's Commissions and serving in the Lands Branch of the Cantonments Department will be granted retiring, disability and family pensions and gratuities at the same rates and under the same conditions as are applicable to Indian Commissioned Officers. For this purpose, service rendered since the date of joining the Cantonments Department up to the date of completion of 20 years departmental service will be classed as in the rank of captain (I.C.O.) and that after the completion of 20 years departmental service, as in the rank of major (I.C.O.)

Viceroy's Commissioned Officers serving in the Lands Branch are not allowed the benefit of the revised pay for Indian Commissioned Officers as they are in receipt of a special scale of pay Rs. 400—20—800 p.m.

THE HON. PANDIT HIRDAY NATH KUNZRU : May I ask a supplementary question, Sir ? On what grounds does the Hon. Member say that the Indian officers there are Viceroy's Commissioned Officers ? Have they ever been told that they are Viceroy's Commissioned Officers ?

**THE HON. MR. A. D. F. DUNDAS :** They have never been anything else. They are Viceroy's Commissioned Officers who are at present serving in the Military Estates Branch.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Is the Hon. Member aware that at least one of these officers is not a Viceroy's Commissioned Officer ?

**THE HON. MR. A. D. F. DUNDAS :** No, Sir, I have not been informed of that fact.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Will the Hon. Member look into the matter. ?

**BRIGADIER THE HON. SIR HISSAMUDDIN BAHADUR :** May I say that in the old days we used to call them the "Indian officers" but that they are now called the "Viceroy's Commissioned Officers" ?

**THE HON. PANDIT HIRDAY NATH KUNZRU :** I perfectly understand that, but would the Hon. Member mind letting the War Secretary reply to my question ?

**THE HON. MR. A. D. F. DUNDAS :** If the Hon. Member will give me the name it will make it much easier for me to look into the matter.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** There are three officers and the Hon. Member can ask whether, with the exception of one of them, there is any other holding the rank of V.C.O. or promoted from the ranks.

**THE HON. MR. A. D. F. DUNDAS :** Sir, I have already stated that they are Viceroy's Commissioned Officers. If the Hon. Member's information is to the contrary it would help me considerably if he would inform me which officer he has in mind.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Is it a fact that when these officers made representations asking that their prospects should be improved, they were told that they should wait till the revised scale of pay for I.C. Os. was notified ?

**THE HON. MR. A. D. F. DUNDAS :** I regret I cannot answer that question without notice.

#### APPOINTMENT OF RETIRED MILITARY ESTATE OFFICERS

285. **THE HON. PANDIT HIRDAY NATH KUNZRU :** (a) Will Government state whether two British Military Estates Officers who retired some years ago have been re-employed ? If so, why ?

(b) Have they been appointed Officiating Deputy Directors, Military Lands and Cantonments, from time to time and the claims of the three Indian officers in the Lands Branch been ignored although retired officers who are re-employed are supposed to be junior to regular officers ?

(c) What steps do Government propose to take to remove the injustice that is being done to the Indian officers ?

**THE HON. MR. A. D. F. DUNDAS :** (a) Yes, Sir. The normal source of recruitment to the Lands Branch of the Cantonments Department is the Indian Army. As during the war recruitment from that source was impracticable, the Department has been and is extremely short of officers owing to retirements and the release of certain officers for temporary military duty. This shortage was partly made up by re-employing two retired British Military Estates Officers.

(b) Yes, Sir. They were so appointed once or twice in short leave vacancies, as a matter of administrative convenience. The three Indian officers in the Lands Branch are junior also to certain King's Commissioned Officers. Their claims to higher administrative appointments have not been ignored and will be duly considered when opportunities occur.

(c) No injustice has been done to the officers in question.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Would any of the three Indian officers have been appointed Officiating Deputy Director but for the appointment of the two retired British Military Estates Officers ?

**THE HON. MR. A. D. F. DUNDAS :** Not necessarily, Sir, as they were not the next senior for appointment, even if the appointments had not been merely very short term appointments.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** When the two British Military Estates Officers were appointed Deputy Directors, would as a matter of fact any of the Indian officers have got a chance of promotion ?

**THE HON. MR. A. D. F. DUNDAS :** Not necessarily, Sir.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** The Hon. Member is referring to theory : I am asking a question on a point of fact.

**THE HON. MR. A. D. F. DUNDAS :** As there is no point of fact in a question which contains the word "would" it can only be answered as a matter of theory.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** The Hon. Member has merely told us about the seniority of these people, but he does not say whether at the particular time when the British officers were appointed Deputy Directors, these Indian officers would have got a chance of officiating as Deputy Directors.

**THE HON. MR. A. D. F. DUNDAS :** I have tried to answer the question, but I regret I cannot ; it is theoretical.

**THE HON. SIR N. GOPALASWAMI AYYANGAR :** Were the retired officers asked to come back to service because it was held that the two Indian officers were not eligible for promotion ?

**THE HON. MR. A. D. F. DUNDAS :** No, Sir.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** When these officers were re-employed, were they asked to serve in a junior capacity, as many officers in other branches of the army at least in England have done ?

**THE HON. MR. A. D. F. DUNDAS :** No, Sir. I do not think it would be correct to say that.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** If more officers were needed why were not these officers appointed as junior officers and the other officers given a chance of promotion, whoever they were ?

**THE HON. MR. A. D. F. DUNDAS :** I regret I have not that information with me.

#### CREATION OF THE LANDS, HIRINGS AND DISPOSALS SERVICE

286. **THE HON. PANDIT HIRDAY NATH KUNZRU :** (a) Has a new service known as the "Lands, Hirings and Disposals Service" been created whose duties are very similar to those of the Lands Branch, Cantonments Department ? What is its sanctioned strength and what are the qualifications required of the officers selected for it ?

(b) Does it consist entirely of British officers, many of whom have been imported in England ? If so, why has the Service been made wholly British ?

(c) Is it a fact that two Military British Estates Officers have been appointed to superior posts in this Service and that some more of them have been offered appointments in it ? Is it intended that this Service should virtually replace the Lands Branch ?

(d) Have Government decided not to promote the Indian officers in the Lands Branch to superior posts in the Service and to give no consideration to their claims for transfer to the Lands, Hirings and Disposals Service ? If not, what steps do Government propose to take to remove their grievances in regard to these matters ?

**THE HON. MR. A. D. F. DUNDAS :** (a) (1) The Lands, Hirings and Disposals Service was created in November 1944 to deal with all buildings and lands required, requisitioned or hired by the Services after 3rd September 1939, and is purely a war-time organisation.

The Lands and Cantonments Department has continued to perform its pre war duties in respect of Cantonments and of Lands held by the War Department before the outbreak of war.

(2) The present sanctioned strength is 165 officers and its technical officers are required either :—

(i) to be Chartered Surveyors, Land or Estate Agents ; or (ii) to have high qualifications in valuation of lands and buildings as a result of service in the Indian Service of Engineers, Provincial Services of Engineers or Provincial Civil Services.

(b) The present strength is—

British . . . . .	114
Indian . . . . .	40

and of the British officers, 51 are due for release during the next four months.

(c) Two senior British Lands and Cantonments Officers who were also qualified Surveyors were appointed to superior posts in this Service. Another senior officer who has had considerable experience has also been appointed. No decision has yet been taken whether this Service will be retained after it has liquidated the liabilities acquired during the war.

(d) No such decision has been taken. There are only 3 permanent Indian Military Estates Officers in the Lands Branch of the Cantonments Department and they are all junior to all the British Military Estates Officers. Three of the British Military Estate Officers have been deputed to the Lands, Hirings and Disposals Service. Seven Indians who are Cantonment Executive Officers are also being loaned to the Lands, Hirings and Disposals Service.

THE HON. PANDIT HIRDAY NATH KUNZRU : Could not the officers of the Lands Branch, Cantonments Department, do the surveying and valuation work ?

THE HON. MR. A. D. F. DUNDAS : Everybody who has sufficient qualifications and experience has been put into it. Nothing is holding up derequisitioning more than the inability to find officers with the necessary experience and qualifications and we are searching all branches of the service and the civil community to find them.

THE HON. PANDIT HIRDAY NATH KUNZRU : Are not some of the Indian officers believed to be experts in regard to valuation work ?

THE HON. MR. A. D. F. DUNDAS : Sir, all of them who are believed to be experts are being lent to the Lands, Hirings and Disposals Service.

THE HON. PANDIT HIRDAY NATH KUNZRU : I am referring to the Lands Branch, and not to the Lands, Hirings and Disposals Service.

THE HON. MR. A. D. F. DUNDAS : I regret I do not follow the question.

THE HON. PANDIT HIRDAY NATH KUNZRU : I asked whether it was a fact that some of the officers in the Lands Branch of the Cantonments Department were regarded as experts in valuation work.

THE HON. MR. A. D. F. DUNDAS : No, Sir ; they are not.

THE HON. PANDIT HIRDAY NATH KUNZRU : Is the Hon. Member aware that some of them have been entrusted with very responsible work in this connection in the past, and are recognised as having a great deal of valuable experience in this work ?

THE HON. MR. A. D. F. DUNDAS : Their qualifications are judged by the way the officers carry out the duties entrusted to them, rather than by the entrustment of duties.

THE HON. PANDIT HIRDAY NATH KUNZRU : Yes, Sir, is he aware that they have been very favourably reported upon in regard to the performance of the duties entrusted to them ?

THE HON. MR. A. D. F. DUNDAS : I am not aware of that.

THE HON. PANDIT HIRDAY NATH KUNZRU : Will the Hon. Member take the trouble of informing himself on the subject ?

POST-WAR PAY COMMITTEE

287. **THE HON. PANDIT HIRDAY NATH KUNZRU :** What is the personnel of the Committee appointed by Government to consider the pay and allowances and other terms of service of India's post-war armed forces? Is it entirely British? If so, do Government propose to appoint an Indian officer from each of the three Services to it?

**THE HON. MR. A. D. F. DUNDAS :** The Chairman of the Post-war Pay Committee is Mr. Irwin, an officer of the War Department. The members are Major-General Dalison of General Headquarters, Mr. Dayal of Military Finance Department, Commodore Jefford of Naval Headquarters and Air Commodore Gandy of Air Headquarters. The two latter are ex-officio members.

With reference to the last part of the question I should explain that each of the three Services, representatives has one or more specially selected Indian officers from his own Service Headquarters to advise him.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Does the Hon. Member say that there is not one Indian service officer on the Committee?

**THE HON. MR. A. D. F. DUNDAS :** There is at least one Indian adviser to each service member of the Committee.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** But why are there no Indian members?

**THE HON. MR. A. D. F. DUNDAS :** Mr. Dayal is an Indian.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Mr. Dayal is only a Financial Service man. We are speaking of the service officers.

**THE HON. MR. A. D. F. DUNDAS :** Because there are none available with sufficient detailed knowledge of pay and the problems involved in it.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Do Government contend that none of the Indian officers in the three Services could give suitable advice in regard to the important matter of pay and allowances which this Committee is considering?

**THE HON. MR. A. D. F. DUNDAS :** No, Sir. Government does not contend that, and it is for this very reason that it has appointed them as advisers to their own service representatives on the Committee.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Why have not Government appointed Indian officers as members, and will they take steps to rectify the omission now?

**THE HON. MR. A. D. F. DUNDAS :** I have answered the question already.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** What does the Hon. Member say with regard to the latter question? Will Government take steps now to appoint Indian officers of the three Services as members, and not as advisers to the members?

**THE HON. MR. A. D. F. DUNDAS :** That is not Government's intention.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Why?

**THE HON. MR. A. D. F. DUNDAS :** I have already explained why.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** There is no explanation given except that the Government does not want to do it.

DISCARDING OF HINDI WORDS IN FAVOUR OF ARABIC AND URDU WORDS

288. **THE HON. RAJA YUVERAJ DUTTA SINGH :** Will Government place on the table a copy of a circular letter of the Director General of A. I. R. to all Station Directors to discard the use of many Hindi words in favour of Arabic and Urdu words (memorandum PZ. 1/43 from the Controller of Broadcasting to S. D., All India Radio, Delhi, Lahore, Lucknow, Peshawar, and Calcutta); and also state the reasons for issuing the said circular?

**THE HON. MR. G. S. BOZMAN :** A copy of the circular is placed on the table of the House. I might, however, point out that this was issued on the 1st October, 1943, and does not represent the latest position taken up by the Government of India with regard to the Hindi-Urdu question. The Hon. Member's attention is drawn to the Press Note issued by the Department of Information and Broadcasting on the 5th February 1946, of which a copy is placed on the table of the House.

**THE HON. MR. P. N. SAPRU :** May we take it that before 1943—you said something about 1943—the position was somewhat different in the sense that the Director General, All-India Radio, had issued instructions to Station Directors to discard the use of many Hindi words in favour of Arabic and Persian words ?

**THE HON. MR. G. S. BOZMAN :** No, Sir. There is no reason to infer that from what I said.

**THE HON. MR. P. N. SAPRU :** I think the Hon. Member did say that this is not the position now and that it might have been the position before 1943.

**THE HON. MR. G. S. BOZMAN :** No, Sir. I think the Hon. Member did not hear me aright. I said that a circular was issued on the 1st October, 1943.

**THE HON. MR. P. N. SAPRU :** Did the circular contain any directions to the effect that Hindi words should be discarded in favour of Arabic and Persian words in many cases ?

**THE HON. MR. G. S. BOZMAN :** I have placed a copy of the circular on the table of the House. Unfortunately I cannot read the words in it.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Is it worded in Arabic or Persian ?

**THE HON. MR. G. S. BOZMAN :** No, Sir. It is in English.

*Note on the use of some words used in AIR Hindustani News Bulletins sent to SDs. and DN  
(NO. PZ-43, dated 1st October 1943)*

These were discussed with H.M. yesterday and it was decided as follows :—

(i) For North, South, East, West, continue to use *pachham, purab, dakhkan, uttar*.

(ii) For "Isthmus" and "Strait" use *abnai, khaknai*. Discontinue *jalghati, talghati*.

(iii) For "gulf", "bay", use the double combination *khalij* or *khari*.

(iv) For 'island' use *tapu*.

For 'archipelago' use the plural of *tapu* and discontinue *najma'ul-Jazair*.

(v) For the names of seas and oceans use the English equivalents. Thus "Indian Ocean" should be translated as "Indian Ocean," "Red Sea" as "Red Sea" etc.

(vi) For "anti-aircraft gun", continue to use *hawamar top*.

(vii) For "bomber" use *bam-bar* and not *bam-mar*.

(viii) Use *istiqbal* but discontinue *swagat*.

(ix) For 'chairman' and 'president', use the English Words. Discontinue *pradhan, swr*.

(x) Continue to use *bara wazir* for Prime Minister, Chief Minister, etc.

(xi) For "Democracy", "Democratic Government", use *jambhuriyat, jamburi hukumat*.

(xii) It is alleged that the word *gyan* has been used where 'ilm' would have been quite suitable. The word 'ilm' should not be discarded in favour of *gyan*.

(xiii) For 'student', use *talib-i-ilm*. Discontinue *vidyarthi*.

(xiv) For patriot, *desh bhagt* may be used if the person referred to is a Hindu ; otherwise use *muhibb-i-watan*.

(xv) For "Axis", use the English word or the word *dushman* where the context would admit its use without ambiguity. Discontinue *mehwar, mehvari*.

(xvi) For "Allies", use the English word or *ittihadi*. Discontinue *sathi*.

(xvii) For "Foreign Minister", use the English phrase. Discontinue the Hindustani equivalents which have been in use so far.

(xviii) Use *vidya mandir* only when the institutions specifically called by this name are meant. Do not use this to refer to any school.

(xix) Continue to use *rajdhani*. But the the word *darul-khilafa* is not banned.

(xx) Continue to use *adda addon* in phrases like *hawai addon*.

(xxi) Use either *morcha* or front whichever is more useful in any given context.

(xxii) Use the double combination *iqti'adi ya arthik* for "economic".

(xxiii) Discontinue *brodh*, or (Direction and *asha*.)

(xxiv) Use *dahant, swargbesh*, etc., for Hindus only. For others use *intiqa' wafat*, etc.

EXPERTS TO ADVISE ON A.I.R. LEXICON STANDING COMMITTEE ON HINDUSTANI

*Auxiliary Studio to be installed in Allahabad*

At the invitation of the Hon. Sir Akbar Hydari, Member for Information and Broadcasting a Committee consisting of the Hon. Rai Bahadur Sri Narain Mahtha, Member, Council of State, Nawab Siddique Ali Khan, M.L.A. (Central), Dr. Zakir Hussain and Dr. Tarachand, met on January 26, 1946 to advise the Government of India on the following questions:—

(i) Should the Hindustani news of A.I.R. continue to be broadcast in a common language or should it be broadcast separately in Hindi and Urdu?

(ii) If in a common language, what steps should be taken for the selection of vocabulary which should be satisfactory and generally acceptable?

(iii) What programme composition would achieve a fair representation of Hindi and of Urdu in spoken-word items other than news?

All the previous discussions on the Hindi-Urdu question which had taken place under official auspices, including the debates in the Legislature, were placed before the Committee and the difficulties that had arisen on account of the rival demands of the various sections of the people regarding the Hindustani news bulletins and the composition of the Hindustani programmes of A. I. R. were brought to their notice.

2. So far as the language of the Hindustani news bulletins is concerned, it was pointed out to the Committee that during the last ten years or so the linguistic style of the Hindustani news bulletins had been fluctuating either from purely practical considerations or in response to the varying demands of the public. The language of these bulletins was, therefore, to be regarded as an experiment which had been in progress for some years, and the question for consideration now was whether this experiment should be continued and, if so, on what lines. In this connection All India Radio had compiled a Lexicon of about 8,000 English words commonly used in news, together with their Hindi & Urdu equivalents and its suggestions for simple Hindustani synonyms, with the intention of circulating it to experts in the country for their comments on the simple synonyms suggested. The Lexicon was placed on the table.

3. After a full discussion, the Committee unanimously came to the conclusion that the use of Hindustani as the common language for news bulletins though not free from difficulties should not be given up without a further attempt at arriving at a generally acceptable vocabulary. For this purpose the Committee recommended that a Standing Advisory Committee should be set up to advise the Director General, All-India Radio, on the choice of vocabulary for Hindustani and that the A.I.R. Lexicon, which was a very valuable and constructive compilation, should be circulated to suitable experts in the country for comments which, when received should also be considered by the Standing Advisory Committee suggested above.

4. One member, while agreeing with these recommendations, proposed that of the four Hindustani bulletins broadcast daily, two should be given in Hindustani, one in Urdu and one in Hindi. This was not agreed to by the rest of the Committee as they feared that the existence of an Urdu and Hindi bulletin side by side with bulletins in a common language would tend to defeat the purpose of the latter reducing its channel of success as an experiment and the Urdu and Hindi Bulletins, because of their separatist character, would tend to become literary and would, therefore, be less widely intelligible.

5. For spoken-word programmes other than news, such as talks, plays, poetry recitations etc. the Committee unanimously recommended that items in Hindi and items in Urdu should continue to be broadcast in spoken-word programmes other than news as it was most desirable to help and not to hinder the literary development of the two languages and that the question of fair and adequate representation, as between the two, should be referred to the Standing Advisory Committee mentioned above, as the matter would require detailed examination.

6. As for the composition of the Standing Advisory body, the Committee recommended that it should consist of experts representing the Anjuman-e-Taraqi-e-Urdu, the All India Hindi Sahitya Sammelan and the Hindustani Prachar Sabha, with temporary members to be co-operated by the Director-General, All-India Radio, as and when the questions coming up before the Committee required it.

7. It was also suggested that as an auxiliary to the Lucknow Station of All-India Radio a studio should be installed at Allahabad where spoken-word items could be arranged for inclusion in the programme of the Lucknow Station as it was felt that, pending the installation of more radio stations, this arrangement would enable the Lucknow Station to utilise the talent in the Eastern part of the U.P., more adequately than it could at present, in view of the long distances involved.

8. The Government of India have decided to accept all the recommendations of the Committee. Steps are being taken to set up a Standing Advisory Committee on the lines suggested by the Committee, to circulate the A.I.R. Lexicon to suitable experts in the country for eliciting opinion and to install an auxiliary studio in Allahabad as early as possible.

I. & B. Deptt.

New Delhi, February 5, 1946.



## ACCOMMODATION PROVIDED FOR INDIAN AIRMEN

289. **THE HON. PANDIT HIRDAY NATH KUNZRU :** (a) Do the type of accommodation provided for Indian airmen and the space allowed per man compare unfavourably with the provision made in respect of these things for British airmen ?

(b) Are Indian airmen not entitled to electricity or electric fans in their barracks while British airmen are entitled to both these amenities ?

(c) Why this discrimination against Indians and what action do they propose to take to put an end to it immediately ?

**THE HON. MR. A. D. F. DUNDAS :** (a) The area allowed to a British airman is 72 sq. ft. as compared with 54 sq. ft. allowed to an Indian airman. This difference which is of long standing in the army in this country probably originated in the idea that a European being unaccustomed to great extremes of heat needed more cubic air space than an Indian.

(b) Yes, Sir, this difference does exist.

(c) When the Indian Air Force was started the scales of accommodation, etc. were based more or less on those obtaining in the Indian Army which has been in existence for many years. These scales were undoubtedly inferior to those sanctioned for British troops for many reasons which were probably quite justifiable at the time bearing in mind the differences existing in the general style of living at the time.

Government does not seek to justify discrimination in any form and is doing its best to remove any trace of it. At the same time the accommodation provided by the state for its servants must have a practical relation to the general style of living in the country.

All these matters are now being urgently considered by a highly qualified Committee set up by the Commander-in-Chief for the purpose. This Committee has been instructed to base its recommendations not on a comparison of Indian with British standards, but on what is considered right and proper for the well being of the Indian fighting man whether he is in the Navy, Army or Air Force—the Commander-in-Chief sincerely hopes that as a result we shall see a great improvement in the standard of accommodation and amenities generally for our sailors, soldiers and airmen and he himself would be the first to admit that there is much to be done in this respect.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Will the Hon. Member inform us of the names of the members of the Committee to which he referred ?

**THE HON. MR. A. D. F. DUNDAS :** I regret, Sir, that I have not brought the details with me.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Are there Indian officers on his Committee ?

**THE HON. MR. A. D. F. DUNDAS :** I regret, Sir, I do not even remember that.

## JAIN TEMPLE IN R.A. BAZAR, LAHORE CANTT.

290. **FLT. LIEUT. THE HON. RUP CHAND :** Will Government state :

(a) Whether it is a fact that the Lahore Cantonment Board in its meeting held on January 31, 1946, on the motion of Capt. Mohd. Ashraf, Military Estates Officer, Lahore Cantt., upset the unanimous decision of the Bazar Committee and has refused to sanction expenditure for the construction of steps of the Jain Temple in R. A. Bazar ?

(b) Whether it is a fact that all the elected members present in the Board Meeting referred to above, voted against the motion of Capt. Mohd. Ashraf ?

(c) Whether Government propose to take any action in order to respect the wishes of elected representatives of the people on the Board in such matters ?

**THE HON. MR. A. D. F. DUNDAS :** (a) and (b). Yes, Sir, because steps for the Jain Temple were to be constructed on vacant Government land and it would have been irregular to permit its use without a lease. If an application is made for a lease, it will be granted.

(c) In view of the explanation above, this part does not arise.

REVOLT IN THE NINETH GURKHA RIFLES REGIMENTAL CENTRE.

291. **THE HON. RAJA YUVERAJ DUTTA SINGH :** Will Government state whether it is a fact that about 300 Gurkha troops of the 2/9th Gurkha Rifles stationed in Dehra Dun were transferred to Wana (Baluchistan), about the 15th March, in order to prevent the spreading of the "silent revolt" which broke out about that time at the 9th Gurkha Rifles Regimental Centre? If so, will Government make a full statement about the "revolt", its causes, and the steps taken in that connection?

**THE HON. MR. A. D. F. DUNDAS :** No, Sir. None of the troops of the 2nd Battalion were involved, and no troops of this Regt. have been sent to Wana. The trouble at Dehra Dun arose because it was reported that men who were proceeding to their homes on release from the army were taking with them articles of kit to which they were not entitled. The Commanding Officer therefore ordered a kit inspection, and it was proved that the report was correct and that a number of men had concealed certain articles which they should not have had. In the course of this inspection all officers, British and Gurkha, left the lines to attend a conference, and on their return when the check of kit began again, some members of the 4th and 5th Battalions became excited and eventually used force against their officers.

The total number of men involved was between 100 and 200, of whom 26 were the leaders were separated from the rest. A Court of Enquiry has been held and the proceedings are now being examined in G.H.Q. The only grievances alleged by the men appear to be :—

- (i) Discontent at the scale of clothing permitted to be taken on release.
- (ii) The fact that their release train had been postponed for two days.
- (iii) The kit inspection.

The situation is now normal. Those against whom disciplinary action is not contemplated will proceed on release as soon as possible.

KOSI RIVER DAM

292. **THE HON. MR. SURPUT SING :** Will Government state :

(a) Whether any project was ever sent to the Central Government by the Bihar Government in order to dam the Kosi river; if so, when, and what happened to that project?

(b) Whether any project for the cultivation of alluvial lands in Supaul sub-division of Bhagalpur district has ever been sent to the Central Government by Bihar Government, if so, with what result?

**THE HON. MR. S. LALL :** (a) (i) No, though the Bihar Government included in their 5 year plan a scheme for marginal embankments on the Kosi.

- (ii) The question does not arise.
- (b) No.

HOUSES AND BUILDINGS VACATED BY AMERICANS

293. **THE HON. MR. SURPUT SING :** Will Government state :

(a) What proposals there are to dispose of the houses and buildings which will be set free on their being vacated by the American personnel in Delhi and New Delhi?

(b) Whether there is any proposal to sell them to private individuals, if so, whether for demolition or occupation?

**THE HON. MR. S. LALL :** (a) At present no final decision has been taken on surrender by the American forces. All the buildings are likely to be required for Government use in the immediate future.

(b) There is no such proposal approved at present.

#### RESERVATION OF BERTHS ON THE B., B. & C. I. RAILWAY

294. **THE HON. MR. SURPUT SING :** Will Government state :

(a) Whether it is a fact that only sitting accommodation is reserved in II class in B. B. & C. I. Railway metre gauge ?

(b) Whether it is a fact that no reservation is made of the upper berths in II class ?

(c) Whether upper berths are available for entire sleeping accommodation ?

(d) Whether berths are reserved in first class for sleeping accommodation as well ?

(e) If so, the reasons for the distinction ?

**THE HON. SIR MAHOMED USMAN :** (a) No. The system of permitting reservation of seating accommodation only in second class is in force in respect of particular trains only.

(b) Yes, in those particular trains.

(c) This is generally the case and ; I understand, it is usual for those who arrive first to occupy the upper berths.

(d) Yes.

(e) Conditions permit of the reservation of sleeping accommodation for first class passengers while this is not so at present in the case of second class passengers on certain trains in view of the heavy demand for accommodation. Reservation of berths in second class on trains, where this was discontinued, will be reintroduced as soon as conditions permit.

**The Hon Mr. P. N. SAPRU :** Is it not a fact that in other railways second class berths are reserved ?

**THE HON. SIR MAHOMED USMAN :** I must ask for notice of the question.

**THE HON. MR. P. N. SAPRU :** Why is there a difference in this matter in the case of the B., B. & C. I. ?

**THE HON. SIR MAHOMED USMAN :** I shall have that point investigated.

#### RECRUITMENT OF LABOUR FOR BURMA

295. **THE HON. PANDIT H. N. KUNZRU :** (a) When were the SEAC and the Civil Affairs Service, Burma, permitted by the Government of India to recruit labour in India for work in Burma and on what terms ? What was the number of labourers which they were allowed to recruit and how many were recruited by each of these authorities ?

(b) Do Government propose as part of the scheme for the repatriation of Indian evacuees to Burma, agreed to between them and the Government of Burma, to provide facilities for the return of evacuees belonging to the labouring classes ? If so, to what extent ?

(c) Are Government aware that an overwhelming majority of the Indians who want to return to India consists of labourers ? Is it a fact that they want to come back because of the great insecurity of life and property prevailing in Burma, particularly in the rural areas, and the very considerable rise that has taken place in the cost of living ? If so, do Government before permitting the return of the Indian labourers to Burma propose to satisfy themselves that there will be no danger to the lives and property of the labourers in Burma and to insist that the Government of Burma should enter into an agreement with them regarding the wages of the labourers, and their rations and general conditions of living ?

**THE HON. DR. N. B. KHARE :** (a) In 1944 Government of India agreed to the recruitment of :—

(1) 1,61,000 labourers by SEAC in the form of pioneer units for military works in Burma on condition that such labour would be repatriated in India on the termination of their periods of contracts. Other conditions included free rations, free medical treatment, free accommodation, etc. besides certain minimum wages and expatriation allowance. It is understood that no civilian labour unit was actually taken into Burma by the SEAC under this permission ; and

(2) 16,000 skilled and semi-skilled labourers by Civil Affairs Service (Burma) for civil works during military administration were recruited. One of the terms of recruitment of this labour was that the labourers would have the option to settle down, and acquire rights of citizenship in Burma. Information so far received amount for 7,902 labourers under this contract.

(b) Under the repatriation scheme the evacuee labourers will be treated in the same way as other evacuees.

(c) Government have no reliable information regarding the proportion of labourers among the Indians who are now anxious to return to India from Burma, nor about the reasons which impel them to do so. They understand that their anxiety to return is due mainly to their long absence from India in difficult conditions during the Japanese regime. The question of providing security for the lives and property of Indian labourers returning to Burma has been taken up with the Government of Burma. The terms and conditions which the Government of Burma should be asked to ensure for Indian labourers in Burma are also under consideration.

**THE HON. MR. M. THIRUMALA ROW :** With regard to (a), is there any truth in the published report that a large number of labourers are being taken to Burma for doing scavenging work ?

**THE HON. DR. N. B. KHARE :** I am not aware of it.

**THE HON. MR. M. THIRUMALA ROW :** Will Government make inquiries and find out whether it is a fact ?

**THE HON. DR. N. B. KHARE :** Certainly.

**THE HON. MR. M. THIRUMALA ROW :** And see that it is stopped ?

**THE HON. DR. N. B. KHARE :** Certainly.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Are the terms of service of the labour recruited by the Civil Affairs Service, Burma, the same as those agreed to by SEAC ?

**THE HON. DR. N. B. KHARE :** I believe they are the same.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** If the Hon. Member is not sure of his facts, would he mind looking into them ?

**THE HON. DR. N. B. KHARE :** I will find out.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Have the Government been informed that there is insecurity of life and property in Burma, particularly so far as the Indians living upcountry are concerned ?

**THE HON. DR. N. B. KHARE :** As I have said, I have no reliable information. We have got some reports, but no reliable information.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Have they received no information on this subject from their own officers in Burma ?

**THE HON. DR. N. B. KHARE :** They have.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** What is that information ?

**THE HON. DR. N. B. KHARE :** We have taken it up with the Government of Burma, as I have answered.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** May we take it that the Government of India are now satisfied that something has to be done to ensure the security of life and prosperity of the Indians there ?

**THE HON. DR. N. B. KHARE :** Certainly.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Will they bear it in mind before allowing Indian workers among the evacuees to go back to Burma ?

**THE HON. DR. N. B. KHARE :** Positively.

#### PERMIT SYSTEM IN MALAYA

296. **THE HON. PANDIT HIRDAY NATH KUNZRU :** (a) With reference to the reply given to question No. 199 on the 26th March 1946 will Government state why they did not give any information with regard to the conditions under which an Indian can leave Malaya and confined their reply to Burma ?

(b) Is it a fact that any one willing to come to India from Malaya is required to obtain a permit before allowing him to leave Malaya ?

(c) Has this arrangement been made at the instance of the Government of India or in agreement or consultation with them ?

(d) Are Government aware that the Indian labourers, thousands of whom want to return to India, are required to obtain such permits ? In view of the hardships caused by this arrangement do Government propose to ask the Malaya administration to do away with the restriction ?

**THE HON. DR. N. B. KHARE :** (a) The reply given referred generally both to Burma and Malaya.

(b) The repatriates from Malaya have to fill in complete application forms with details and get them approved by Security Department.

(c) The Government of India did not issue any specific instructions on this point.

(d) Yes, but the obtaining of permits is only a routine administrative matter and it was not considered necessary to ask the Malayan administration to do away with this practice. The Government of India will however have the matter re-examined.

**THE HON. MR. P. N. SAPRU :** Is it a mere routine matter ? Before you can obtain a permit you have to satisfy that you are a proper person to return to India ?

**THE HON. DR. N. B. KHARE :** I think it is a routine matter. There is no other motive, except security reasons.

**THE HON. MR. P. N. SAPRU :** For security reasons ?

**THE HON. DR. N. B. KHARE :** Yes, of course.

**THE HON. MR. P. N. SAPRU :** There is complaint in Malaya that there is great strictness in issuing permits.

**THE HON. DR. N. B. KHARE :** I am not aware of that, Sir. If the Hon. Member can give any specific instances, I will enquire.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Will the Hon. Member ask the representative of the Government of India in Malaya to make enquiries ?

**THE HON. MR. P. N. SAPRU :** Does the representative of the Government of India keep himself in touch with Indian affairs ?

**THE HON. DR. N. B. KHARE :** I believe he does.

**THE HON. MR. P. N. SAPRU :** I believe he does not.

**THE HON. DR. N. B. KHARE :** It is a matter of opinion.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Will the Government of India make inquiries on this point from their Agent at Singapore ?

**THE HON. DR. N. B. KHARE :** I will.

#### ACTION TAKEN ON QUESTIONS IN THE LEGISLATURE AFTER THEY ARE ANSWERED

297. **THE HON. MR. N. K. DAS :** Will Government state whether questions asked in this House, come up for any consideration after they are answered or whether the subject matter to which the questions relate is considered to be finally disposed of, because of the answers given ?

**THE HON. MR. A. E. PORTER :** No action is taken on questions when the information furnished in the answer is complete, but the subject is further examined if the answer contains an undertaking to that effect.

**THE HON. MR. N. K. DAS :** When certain irregularities or omissions are brought forward during questions, are these followed up by the Government ?

**THE HON. MR. A. E. PORTER :** Certainly, Sir, if the Member concerned gives an undertaking to that effect.

**MODEL ROTATION**

**298. THE HON. MR. N. K. DAS :** (a) What is model rotation ?

(b) Does model rotation cater for parity for all minorities ? If so, what are those minorities ?

(c) In what categories of services and in what Departments of Government is this model rotation followed ?

(d) Is it a fact, that all other Departments of Government except the P. & T. Department consider "Model Rotation" as unfair and consequently in filling up vacancies they give preference to the qualifications of the candidates ?

**THE HON. MR. A. E. PORTER :** (a) to (c). For Central Superior Services and Subordinate Services under the administrative control of the Government of India (except such as have a special reservation for Anglo-Indians) vacancies to be filled by direct recruitment are reserved as follows :—

25 per cent. for Muslims, 8 1/3 per cent. for Scheduled Caste candidates ; and 8 1/3 per cent. for "other minority communities" (i.e., Anglo-Indians and Domiciled Europeans, Indian Christians, Sikhs and Parsis).

The rules consequently require that in every 12 appointments three shall be reserved for Muslims and one each for Scheduled Castes and members of "Other minority communities".

Where services are recruited by local areas and not on an all-India basis, figures calculated to result in an over-all reservation of the above percentages of recruitment are fixed with reference to the population ratios in the area and the rules for recruitment adopted by the Provincial Government concerned.

Where recruitment is on an all-India basis, in order to ensure that these reservations are maintained, where the number of vacancies to be filled is not 12 or a multiple of 12, a rotation is adopted under which, within each group of 12 appointments, specified vacancies are reserved for the community entitled to reservation. In the rotation proposed as a model (and in fact adopted by all Departments of Government) the second, fifth and eleventh vacancies in a group of 12 are reserved for Muslims, the sixth for Scheduled Castes and the eighth for "Other minority communities."

As regards Scheduled Castes reservation, if a qualified candidate is not available for the reserved vacancy allotted to the Scheduled Castes, the vacancy is treated as unreserved and is filled by the best available candidate irrespective of community or caste. In such a case each successive unreserved vacancy subsequently accruing is treated for the purposes of the rule as a vacancy reserved for a Scheduled Castes candidate until either a Scheduled Castes candidate is appointed or the next succeeding calendar year after the vacancy failed to be filled is terminated.

In the case of "Other minority communities" the procedure is somewhat different and, if a member of these communities is not available for filling a vacancy reserved for them, the appointment goes to a Muslim candidate, if a qualified Muslim candidate is available, and otherwise to the best qualified candidate.

(d) No. The procedure which I have outlined is followed in all Departments of Government in appointments to services for which there is no other special provision for reservations for Anglo-Indians.

**THE HON. MR. N. K. DAS :** In filling up these reserved vacancies, are the same qualifications as those of others taken into consideration or a lower qualification is always taken into consideration ?

**THE HON. MR. A. E. PORTER :** The qualifications, Sir, I think are the same.

**THE HON. MR. M. THIRUMALA ROW :** With regard to the term "Domiciled Europeans and Anglo-Indians" have Government got any definition? If so, will the Member please read it out?

**THE HON. MR. A. E. PORTER :** Yes, Sir, there must be a definition; but I cannot recite it off-hand. I shall have to ask the Hon. Member to give me notice.

#### INDIANISATION OF THE ORDNANCE SERVICES

**299. THE HON. MR. N. K. DAS :** Will Government state :

(a) What definite steps have been taken to Indianise the Indian Ordnance Service in India?

(b) Is it a fact that racial discrimination in the matter of appointments still exists in the Ordnance Factories and qualified Indians are not admitted in the gazetted ranks?

(c) Is it a fact that some Europeans imported from U. K. during war, as temporary hands, have filled permanent vacancies?

(d) Is it a fact that one Mr. Simpson, who was brought from U. K. as Asst. Works Manager on a temporary basis has been retained in the Factory as a permanent A. W. M. in preference to more qualified and experienced Indian officers?

**THE HON. SIR MAHOMED USMAN** (on behalf of Industries and Supplies Department) :

(a) The question of rapidly Indianising the Indian Ordnance Services is under consideration.

(b) No, Sir.

(c) No, Sir.

(d) Mr. Simpson was selected before the war and was appointed on a normal five years' peace-time agreement with a clause providing for permanent retention on satisfactory completion of the agreemental period. He has been retained permanently.

**THE HON. MR. N. K. DAS :** I did not follow the last part of the answer. Has he not been retained permanently?

**THE HON. SIR MAHOMED USMAN :** I said that Mr. Simpson was selected before the war and was appointed on a normal five years peace-time agreement with a clause providing for permanent retention on satisfactory completion of the agreemental period. He has been retained permanently.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Has he been retained, as was stated in the question, in preference to more qualified and experienced Indian officers?

**THE HON. SIR MAHOMED USMAN :** I think the Hon. Member should be satisfied when I have said that the question of rapidly Indianising the Indian Ordnance Service is under consideration.

#### GAZETTED POSTS HELD BY INDIANS IN ORDNANCE FACTORIES

**300. THE HON. MR. N. K. DAS :** (a) What is the number of gazetted posts in the Ordnance Factories and in the office of the Director General, Ordnance Factories in India, both technical and non-technical? How many of them are held by Indians?

(b) Is it a fact, that all Indian officers (Technical) employed in the Office of the Director General, Ordnance Factories, have been served with notices terminating their services with effect from 1-4-46?

**THE HON. SIR MAHOMED USMAN** (on behalf of Industries and Supplies Department.) : (a) The number of gazetted posts in Ordnance Factories and in the Office of the Director General, Ordnance Factories, has been fixed provisionally at 142. Of these, 29 are held by Indians; 25 in the Factories and 4 in Director General's Office. There are 98 gazetted officers in the Clothing and Harness and Saddlery Factories, of whom 63 are Indians.

(b) No, Sir.

EXAMINATION OF AUDIT NOTES BY THE PUBLIC ACCOUNTS COMMITTEE

301 THE HON. PANDIT. HIRDAY NATH KUNZRU : Will Government state whether an agreement was arrived at between Sir James Grigg and Sir Ernest Burdon when the former was Finance Member and the latter Auditor General, regarding the form in which audit notes to be examined by the Public Accounts Committee of the Indian Legislative Assembly should be drawn up? If so, will Government place a copy of the agreement on the table?

THE HON. MR. V. NARAHARI RAO : (i) Yes, Sir.

(ii) Government do not consider that it would be suitable to lay this informal agreement on the table. It has been made available to Public Accounts Committees in the past and Government would be glad to invite the Auditor General again to explain its scope and functions to the next Public Accounts Committee when it assembles.

THE H. N. PANDIT HIRDAY NATH KUNZRU : Did the Hon. Member say that these instructions had been placed before any previous Public Accounts Committee?

THE HON. MR. V. NARAHARI RAO : They are not instructions, Sir. The document referred to by the Hon. Member is only an informal instrument intended to regulate the procedure in practice in the domestic working arrangements between the Finance Department and the Auditor General. Its scope and functions were in the past explained by the Auditor General to the Public Accounts Committee and the Government would be glad to invite the Auditor General to do so again if the House so desires.

THE H. N. PANDIT HIRDAY NATH KUNZRU : What are the exact matters vered by it?

THE HON. MR. V. NARAHARI RAO : Well, Sir, it is rather difficult at times to demarcate the functions of Audit from those of the Finance Department. The instrument is purely a domestic arrangement between the Finance Department and the Auditor General in order to safeguard public interests.

THE HON. PANDIT HIRDAY NATH KUNZRU : Does this domestic arrangement involve very subdued criticism by audit officers of the irregularities discovered by them in the course of their inspections?

THE HON. MR. V. NARAHARI RAO : The agreement does in no way affect the independence or infringe the functions of the audit officers.

THE HON. PANDIT HIRDAY NATH KUNZRU : If the agreement does not relate to the functions of the audit officers, what does it relate to? How does it concern the Auditor General?

THE HON. MR. V. NARAHARI RAO : Well, in the matter of finance and audit there is a certain amount of overlap. It is very difficult to draw any hard and fast demarcation between them and some understanding is necessary. But I suggest that this matter is not appropriate for discussion here. As I have already said, the matter will be explained by the Auditor General at the next meeting of the Public Accounts Committee, which is a much more suitable place.

SHORT NOTICE QUESTION AND ANSWER

POSITION OF INDIANS IN HONGKONG, ETC.

302. THE HON. PANDIT HIRDAY NATH KUNZRU : (a) What arrangements have Government made to obtain information about the position of Indians in the present circumstances in Hongkong and in countries other than Burma and Malaya in South East Asia?

(b) If they have made no arrangements for this purpose yet, will they ask their Representative at Singapore by agreement with the Governments concerned to visit these territories when he considers it necessary?

THE HON. SIR MAHOMED USMAN : (a) As the Hon. Member is no doubt aware, Mr. M. S. Aney, the Government of India's Representative in Ceylon, has



visited Siam and Indo-China to investigate the condition of Indians there. Mr. Menon, the Indian Agent-General in Chungking, visited Shanghai in October last and has recently visited Hong Kong for the same purpose. As for the Netherlands East Indies the Government of India have had general reports from His Majesty's Consul-General at Batavia as well as reports on individual enquiries from the military authorities on the spot.

(b) The only territories out of those to which the question relates which have not been visited by a representative of the Government of India are the Islands of the Netherlands East Indies. The Government of India are considering the desirability of deputing an officer to visit the Islands.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Do Government realise that they have no means of obtaining information regularly with regard to the Indians in the countries referred to in my question ?

**THE HON. SIR MAHOMED USMAN :** I shall have the question considered Sir.

#### NOTICE OF MOTION FOR ADJOURNMENT

**THE HON. THE PRESIDENT :** Hon. Members, I have received notice of an Adjournment Motion from the Hon. Mr. Thirumala Row. I will read the Motion :—

"I hereby give notice to move an adjournment of the House to discuss a matter of urgent public importance of recent occurrence, namely, the appointment as Acting Finance Secretary to the Government of India of Sir Hugh Hood who is a retired and superannuated Madras civilian in supersession of Indians of capacity available in the Finance Department."

How does the Hon. Member justify that Adjournment Motion ?

**THE HON. MR. M. THIRUMALA ROW (Madras : Non-Muhammadan) :** Sir, I want to justify it on principle as well as on public policy. The principle is that a retired gentleman, who retired two years ago and has already done one year's special service in Bengal, should not be brought to this place in supersession of members of the Service who are already in the Department and, again, that a European should not be brought in supersession of Indians who have proved their competence in the Finance Department.

**THE HON. THE PRESIDENT :** I am afraid you have not understood me. How do you legally justify this Motion ? I want to tell you that the appointments of Secretaries to the Government of India are made by the Governor General himself and not the Governor General in Council. How do you justify a Motion of Adjournment ? It is a Motion of Censure on the Governor General ?

**THE HON. MR. M. THIRUMALA ROW :** I take it, Sir, that this is a censure Motion on the Government of India. The appointment, I gather from Press report was made by the Finance Member—and he has accepted the proposition—and the Finance Member being a part of the Government of India is subject to criticism of this House, and, therefore, I say, Sir, that he had no business to bring out a retired superannuated civilian from a far-off province to fill the post in supersession of Indians of proved ability.

**THE HON. THE PRESIDENT :** Who had no business ? Do you think the Governor General has no business to make these appointments ?

**THE HON. MR. M. THIRUMALA ROW :** The Finance Member had no business to bring in a retired officer. The Finance Member said in the other House that it was part of his duty to—

**THE HON. THE PRESIDENT :** I do not care what the Hon. the Finance Member has said in the other House. I would ask you to explain to me whom you blame for making the appointment ?

**THE HON. MR. M. THIRUMALA ROW :** I want to blame the Government of India.

**THE HON. PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) :** I am sure, Sir, you are aware that a question relating to this subject was answered in the other House.

**THE HON. THE PRESIDENT :** It was not answered on an Adjournment Motion. It was answered in the course of discussion. The Hon. Member is entitled to put a short notice question on the subject. I have no objection. But there is no justification for an Adjournment Motion.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Can we ask questions regarding the actions of the Governor General ?

**THE HON. THE PRESIDENT :** If you like, you can ask. It is for the Government to reply.

**THE HON. MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan) :** May I suggest, Sir, that it is a Censure Motion on the Finance Member of the Government of India, as part of the Government of India, for recommending what Mr. Thirumala Row considers as an unsuitable person for the Finance Secretaryship of the Government of India. The censure is on the Finance Member who made a recommendation to the Governor General. The Governor General is not supposed to know everybody and therefore there is no reason for censuring him. It is a Censure Motion on the Finance Member of the Government of India.

**THE HON. THE PRESIDENT :** The Governor General is entitled to consult anybody he likes.

**THE HON. MR. M. THIRUMALA ROW :** The Finance Member has owned that it is his appointment. From that point of view, I have brought this Adjournment Motion.

One more submission as regards the matter of policy. This gentleman, who was an Adviser in the Madras Government, is a reactionary gentleman who is opposed to Indian aspirations.

**THE HON. THE PRESIDENT :** We have nothing to do with his views.

**THE HON. MR. M. THIRUMALA ROW :** In view of the Cabinet Mission that is here ostensibly to transfer power to Indians, this is not the occasion when the Government of India can flout public opinion like this. And I can say for the information of this House that Sir Hugh Hood was responsible for hastening the death of our revered leader Mr. Satyamurti, whom he kept in Amraoti in spite of repeated requests to transfer him to his own province. His appointment cannot be welcomed by any section of the House.

**THE HON. MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal: Non-Muhammadan) :** He was a member of the Committee which submitted a "black report." ?

**THE HON. MR. M. THIRUMALA ROW :** I take the strongest objection to bringing him here in this appointment. Because of the fact that this is the fag end of the session, I had no opportunity of raising the matter by way of Resolution ; so I have brought up the matter in the only way in which I can bring it to the notice of the public and the Government. I am entitled to move this Adjournment Motion, and I request you to admit it.

**THE HON. THE PRESIDENT :** Let me hear what the Hon. the Leader of the House has got to say.

**THE HON. SIR MAHOMED USMAN (Leader of the House) :** Sir, all that I wish to point out is that this is an appointment which is in the patronage list of the Governor General.

**THE HON. THE PRESIDENT :** That question has been decided by a series of rulings, both in this House and in the other Chamber, of which the House may not be aware. The point in this case is : Who made the appointment ? Appointments of Secretaries to the Government of India are made by the Governor General.....

**THE HON. MR. M. THIRUMALA ROW :** May I know the rule ?

**THE HON. THE PRESIDENT :** Will the Hon. Member resume his seat ? He should not interrupt while the President is speaking. He should hear me fully before he makes his remarks.

[Mr. President.]

The appointment is made by the Governor General. He may consult the Finance Member, or he may not consult him. That is not our lookout. Merely because he consults the Finance Department or the Finance Member, it does not make this an act of the Finance Member, or a part of the act of the Finance Member, as contended by the Hon. Mr. Sapru. There are several rulings on the point, but I will only draw the attention of the House to the ruling given by a great Parliamentarian who was the first President of the Assembly. On the 17th March, 1925, at pages 2495—98 of the Debates, he held :—

“The Governor General in the discharge of any of the functions or in the exercise of any of his powers as Governor General and not as Governor General in Council cannot be brought into debate in the House.”

This ruling has been followed in subsequent rulings by my predecessors and by myself in this House, and it has been followed also in the other House. The question is no longer in any doubt. It has been fully considered and decided, and I therefore hold that the Hon. Member cannot move a Motion of that kind.

THE HON. MR. P. N. SAPRU : If the Motion is amended in this way, namely, that “This Council do adjourn to consider a matter of urgent public importance, namely, the failure of the Finance Member of the Government of India to recommend to the Governor General an Indian for the post of Principal Finance Secretary”, that would be in order.

THE HON. THE PRESIDENT : That is not the Motion before me now. Apart from that—it is merely a technical point—I have already given my ruling.

THE HON. MR. P. N. SAPRU : With your permission, the Motion can be amended on the lines I have suggested.

THE HON. THE PRESIDENT : A Motion for Adjournment has to be submitted before 11 o'clock in the morning.

THE HON. MR. M. THIRUMALA ROW ; May I know, on a point of information, under what rules the Governor General appoints his Secretaries? You have not answered my question. You have taken for granted that it is the Governor General who makes the appointment. I want to be enlightened on the point as to the rule under which the Governor General makes this appointment?

THE HON. THE PRESIDENT. I have quoted authority to show only that when the Governor General acts in his personal capacity, there cannot be an Adjournment Motion in respect of it.

THE HON. MR. M. THIRUMALA ROW : Has the Governor General acted in his personal capacity in this instance? I want the rule under which he has so acted. In the other House, the Finance Member owned to having made the appointment: he said it was his own appointment.

THE HON. PANDIT HIRDAY NATH KUNZRU: Is it a fact that Secretaries are appointed by the Governor General in consultation with the Head of the Department concerned?

THE HON. THE PRESIDENT : I do not know.

THE HON. MR. P. N. SAPRU : If you do not know, how can you say that it is the Governor General who made the appointment?

THE HON. THE PRESIDENT : The notifications bear the wording that His Excellency the Governor General has appointed such and such a man. The wording is not “His Excellency the Governor General in Council”, but “His Excellency the Governor General”. It is understood that all high appointments are made by the Governor General.

THE HON. MR. P. N. SAPRU : Where the appointment made is one which is in his discretion, then it is the “Governor General.”

THE HON. SIE N. GOPALASWAMI AYYANGAR (Madras: Non-Muhammadan): The matter can be cleared up if the House will be informed by the Government in this House whether the appointment of Principal Finance Secretary is notified in that portion of the Gazette which contains notifications from the Governor

General's Secretariat, or whether it is notified, for example, in the portion which relates to the Home Secretariat. That will make all the difference.

**THE HON. THE PRESIDENT :** Who is in charge in this connection ?

**THE HON. SIR MAHOMED USMAN :** It is in the patronage list of the Governor General. All appointments of Secretaries to the Government of India are in the patronage list of the Governor General.

**THE HON. SIR N. GOPALASWAMI AYYANGAR :** There is a point in the question, because if it is notified by the Governor General's Secretariat, then we can assume that it is an appointment made by the Governor General ; but if it is notified by any other Secretariat, I think it ought to be taken to be an appointment by the Governor General in Council.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** After all, even if the wording is "Governor General", it may mean the Governor General in Council, and the appointment may be made by the Governor General in Council. But if the Home Secretary says authoritatively that it is made by the Governor General, then it must be the Governor General.

**THE HON. THE PRESIDENT :** Can the Hon. the Home Secretary give the House the information desired ?

**THE HON. MR. A. E. PORTER (Home Secretary) :** I will certainly give it to the House if you so desire, Sir, but I cannot do it off-hand. I shall have to inform myself as to the provisions of the law and of the rules concerned ; but I am sure that you have given a correct statement of the facts. But if you so desire, and if the House desires, I will endeavour to obtain chapter and verse as to the position and will communicate it in such manner as you may direct, either to you, or to the House.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** I take it that there will be another meeting of this House. Will the Home Secretary give us the information we have asked for then ? If so, the Adjournment Motion could be held over till then.

**THE HON. THE PRESIDENT :** I do not see any reason for holding it over.

**THE HON. MR. M. THIRUMALA ROW :** I have got a positive statement that the appointment has been made by the Finance Member. How can you assume that it has been made by the Governor General ?

**THE HON. THE PRESIDENT :** Everybody knows that all these appointments are made by the Governor General. They are in his gift.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** There are a good many acts which are purported to be done in the name of the Governor General, but for which the Government of India is responsible, and I request you not to make up your mind about this Motion till the Home Secretary has informed us of the correct position.

**THE HON. THE PRESIDENT :** Even if the action is taken by the Governor-General, and even if he takes the responsibility ?

**THE HON. SIR N. GOPALASWAMI AYYANGAR :** May we hold this over until the next day, till we get this information ?

**THE HON. MR. P. N. SAPRU :** We see the point that if the appointment is made by the Governor General, then we cannot discuss the Adjournment Motion. But the whole point here is whether it is the Governor General who makes the appointment. And for that purpose, it is necessary for us to know whether the Gazette notification is over the name of the Secretary of the Department concerned or over the name of the Governor General's Secretary. It would, therefore, be better if you give your considered decision after we have heard the Home Secretary.

**THE HON. THE PRESIDENT :** Mr. Thirumala Row has brought this Motion. It is his duty to show that this appointment was made by the Governor General in Council. He does not say so in his Motion.

**THE HON. MR. M. THIRUMALA ROW :** I am now supported by the argument that the Finance Member has owned that he has made the appointment.

**THE HON. THE PRESIDENT :** You say that.

**THE HON. MR. M. THIRUMALA ROW :** He has made that statement on the floor of the other House.

**THE HON. MR. P. N. SAPRU :** In the face of that statement made by the Finance Member on the floor of the Legislative Assembly, the assumption should be that it was made by the Governor General in Council and therefore this question can be discussed unless there is some statutory provision debarring the discussion of this particular question.

**THE HON. KHAN BAHADUR KERAMAT ALI (Assam : Muhammadan) :** Sir, the presumption should be that these appointments are made by the Governor General in Council and it is for the Government to show that this appointment was made by the Governor General and not by the Governor General in Council. If the motion is ruled out today and on the 18th April the Home Secretary comes and says that the appointment was made by the Governor General in Council, what will be the position ?

**THE HON. THE PRESIDENT :** If you want an inquiry to be made, I shall ask the opinion of the House if this question should be postponed till the next day.

**THE HON. MR. V. V. KALIKAR (Central Provinces : General) :** You should not give a ruling today.

**THE HON. THE PRESIDENT :** The matter is so clear I have already given my ruling. There are several rulings on the point.

**THE HON. MR. V. V. KALIKAR :** Unless the House knows whether the appointment was made by the Governor General or by the Governor General in Council you should reserve your ruling. If the Home Secretary tells us that the appointment was made by the Governor General, then of course we will abide by your ruling.

**THE HON. MR. SUSIL KUMAR ROY CHOWDHURY :** We would like to know whether the Government is now contradicting the statement of the Finance Member in the other House.

**THE HON. SIR MAHOMED USMAN :** We do not know what the Finance Member said in the other House. I cannot vouch for his statement.

**THE HON. THE PRESIDENT :** What the Finance Member said in the other House does not bind me at all.

**THE HON. MR. P. N. SAPRU :** The Home Secretary has been good enough to tell us that he will give us the information on the 18th. I would respectfully submit that the proper course for you will be to hold over a decision on this question until the 18th.

**THE HON. THE PRESIDENT :** I have given my ruling already. Nobody asked me that I should not give a decision on this question today.

**THE HON. MR. P. N. SAPRU :** That was only a provisional decision.

**THE HON. THE PRESIDENT :** I am not going to alter my ruling, but I will ask the House to express an opinion.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** The question is one of procedure and I do not think that the House as a whole, in which the non-officials are in a minority, should be asked where the Government are opposed to us.

**THE HON. THE PRESIDENT :** That is a point of general argument. I cannot take any notice of it.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** The decision of this question depends upon a knowledge of the facts and the Home Secretary is going to give us the information that we want on the next day on which the House sits.

**THE HON. THE PRESIDENT :** You put a short notice question asking the Government to give you that information.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** We have already asked for this information without any question being put on the subject.

**THE HON. THE PRESIDENT :** You want to move an Adjournment Motion without putting a question. I cannot allow it.

**THE HON. MR. M. THIRUMALA ROW :** Your ruling is based on a presumption, not on fact or on law.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** If the Home Secretary says that the position is different, if his information shows that the presumption on which your decision is based is not correct, would you alter your decision ?

**THE HON. MR. A. E. PORTER :** Sir, may I make the following suggestion ? I am prepared to endeavour to find chapter and verse during the course of today's session. It may be, Sir, that you will give me some opportunity to place them before the House. I do not know whether the rules of the House permit it, but if the rules do allow of an opportunity being given to me during the course of today's meeting to put the facts before you and the House, I shall be very glad to do so I suggest, Sir, that when these facts have been laid before the House, everything will be cleared up. Your ruling just given can stand and if it transpires that the appointment was made by the Governor General in Council, then I suggest—that you might permit Mr. Thirumala Row or somebody else—

**THE HON. THE PRESIDENT :** I won't be here on the 18th. The Chairman who succeeds me will have to decide.

**THE HON. MR. A. E. PORTER :** We can then possibly allow another Adjournment Motion to be tabled in the same form if the facts which I shall lay before the House with your permission show that the appointment was made by the Governor General in Council.

**THE HON. THE PRESIDENT :** You will bring us the information this afternoon ?

**THE HON. MR. A. E. PORTER :** I can, Sir.

**THE HON. THE PRESIDENT :** We shall discuss the matter further. Will you kindly be present immediately after Lunch and give the information ?

**THE HON. MR. A. E. PORTER :** I will, Sir.

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#### INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE

**THE HON. SIR MAHOMED USMAN (Leader of the House) :** Sir, I lay on the table copies of the information promised in reply to question No. 216, asked on the 29th March, 1946.

## QUESTION No. 216

Statement showing the number of workmen employed in the Indian Ordnance Factories on daily rates and monthly rates of pay according to wage groups, on 31st December 1944 and 31st December 1945

(The wages mentioned in the statement include dearness allowance in force at the time)

Date	Daily rated workmen																Total																
	0-12-0		1-4-0		1-8-0		1-12-0		2-0-0		2-4-0		2-8-0		2-12-0			3-0-0		3-4-0		3-8-0		3-12-0		4-0-0		4-4-0		4-8-0		4-12-0	
	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.		to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.
December, 1944	27528	8739	9879	7239	4276	2250	1325	854	497	335	228	154	75	49	21	13	13	63,275															
December, 1945	14860	6473	5198	4896	2759	1918	1363	852	530	323	283	148	75	53	24	18	15	39,788															

Date	Monthly rated workmen																														Total		
	Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.			Rs.	
	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.	to	Rs.		to	Rs.
December, 1944	41	15	6	616	82	15	4	4	3	63	6	5	6	6	3	1	1	52	929														
December, 1945	51	23	20	103	11	5	3	4	5	15	3	8	6	2	5	2	2	15	283														

## BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 12th April 1946, namely :—

A Bill to require employers in Industrial establishments to formally to define conditions of employment under them.

A Bill to provide for the special protection in respect of civil and revenue litigation of serving merchant seamen.

### ELECTIONS TO STANDING COMMITTEES

THE HON. THE PRESIDENT : With reference to the announcements made by me on the 29th and 30th March and 8th April, 1946, regarding nominations to certain Committees I have to announce that the following Hon. Members have been nominated for election to the following Committees :—

I. Standing Committee for the Department of Information and Arts :—

1. The Hon. Mr. Hossain Imam
2. The Hon. Rai Bahadur Sri Narain Mahtha

There are 2 candidates for 2 seats and I declare them duly elected.

II. Standing Committee for War Transport Department (other than Roads) :—

1. The Hon. Mr. N. K. Das
2. The Hon. Mr. S. K. Roy Chowdhury
3. The Hon. Mr. Surput Singh
4. The Hon. Haji Syed Muhammad Husain

There are 4 candidates for 4 seats and I declare them duly elected.

III. Standing Committee for Roads :—

1. The Hon. Rai Bahadur S. K. Das
2. The Hon. Mr. J. M. B. Gibbons
3. The Hon. Sardar Sir Buta Singh
4. The Hon. Khan Bahadur Keramat Ali

There are 4 candidates for 4 seats and I declare them duly elected.

IV. Standing Committee for Posts and Air Department :—

1. Flight Lieutenant the Hon. Rup Chand
2. The Hon. Mr. Surput Singh
3. The Hon. Mr. G. S. Motilal

There are 3 candidates for 3 seats and I declare them duly elected.

V. Standing Committee for the Department of Health :—

1. The Hon. Mr. M. Thirumala Row
2. The Hon. Sir G. S. C. Mukherji
3. The Hon. Mr. Surput Singh
4. The Hon. Sir Suleman Cassum Haji Mitha.
5. The Hon. Mr. S. K. Roy Chowdhury

There are 5 candidates for 5 seats and I declare them duly elected.

VI. Standing Committee for External Affairs Department :—

1. The Hon. Mr. G. S. Motilal
2. The Hon. Mr. M. N. Dalal
3. The Hon. Nawab Assadulla Khan
4. The Hon. Mr. Surput Singh
5. The Hon. Mr. P. N. Saprū

There are 5 candidates for 5 seats and I declare them duly elected.



## VII. Standing Committee for Commonwealth Relations Department :—

1. The Hon. Syed Mohamed Padshah Sahib Bahadar
2. The Hon. Pandit H. N. Kunzru

There are 2 candidates for 2 seats and I declare them duly elected.

### PROTECTIVE DUTIES BILL

THE HON. MR. Y. N. SUKTHANKAR (Commerce Secretary) : Sir, I move :—

“That the Bill to enable the immediate imposition of protective duties of customs on imported goods, as passed by the Legislative Assembly, be taken into consideration.”

Sir, I shall try and explain briefly but I hope adequately the grounds on which I am asking for the whole-hearted support of this House to the Bill. It will be within the recollection of the House that it was in November, 1945, that a Tariff Board was appointed. The Board at the moment is engaged upon investigating the cases of some 19 industries for some form of protection or assistance. As you are aware, Sir, the Tariff Board is a strong team, headed by no less a person than Sir Shanmukham Chetty. The Board had addressed itself to its task not only with very considerable technical ability but with vigour and skill and speed. We have already received their report on the claim of one industry, namely, the Calcium Chloride industry. It is understood that 4 or 5 reports on the industries are ready and will be received within a very few days. It will not be out of place to explain the difference in the methods of work of the old Tariff Boards and the present Tariff Board. In old times a Tariff Board took up one industry at a time and went into very great details connected with the industry with the result that on an average a Board took about a year to complete its investigations into the claims for protection of a particular industry. The present Tariff Board, Sir, has taken upon itself to carry on a number of inquiries at the same time and the inquiry is of a summary nature, though it is no less thorough than the inquiry made by the old Tariff Board. It may well happen, therefore, be that the reports of the Tariff Board reach Government at a time when the Legislature is not sitting or is not due to sit for some time. We are therefore taking executive powers to implement the recommendations made by the Board. I must state here that the suggestion to the effect that Government should take executive powers was made in the limitation by the Finance Standing Committee. That suggestion was carefully examined not only by the Commerce Department, but by other Departments concerned, such as the Planning and Development Department, Industries and Supplies Department and the Finance Department; and all these Departments have come to the conclusion that such powers should be taken. It is not necessary for me to elaborate the reasons any further. It is only proper that the industries which were established during war-time should have some sense of security and should have some assurance that their claims to protection or some form of assistance will be dealt with as expeditiously as possible and that they would not suffer grave injury from the rising tide of competition simply because there was a time lag between the receipt of the Report of the Tariff Board and the stage when the recommendation could be implemented in the form of a Bill.

I would also draw the attention of the House to certain features of the Bill. First of all, the Bill shall remain in force only until the 31st day of March 1949. Secondly, executive action will not necessarily depend on the vagaries of individual officers. It will be for the Government of India to form an opinion that it is urgently necessary to provide for the protection of the interests of any industry established in British India. Thirdly, it is incumbent on the Government to bring forward during the Session of the Central Legislature next following the date of the issue of a notification under sub-section (1) of section 2 which gives effect to the recommendations made by the Tariff Board. Perhaps Hon. Members will remember that originally the proposal was that the Bill should be brought forward before the legislature “as soon as may be”. I remember some one remarking about a similar expression “as soon as possible” that it is an elastic expression as sometimes the emphasis is on “soon” and at other times on “possible” and far often on “possible” than on “soon”. There was of course never any intention on the part of Government to delay action on the Tariff Board recommendation but all doubt is set at rest as such has now to be brought forward during the next Session following the date of the issue

of the notification. Further, such notification shall cease to have effect on the expiry of two months from the date on which the Bill is introduced. In other words, the Bill must be passed within two months of its intimation. I therefore commend the Bill for the wholehearted support of the House. As I said, it has been prepared in the due care and thought and has received the support of all the Departments concerned. Sir, I move.

\***THE HON. MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan): Sir, I take it that the object of this Bill is to enquire into the claims of war-time industries to assistance or protection during the transition period. Now, the case for it is that the recommendations of the Tariff Board may be received at a time when the Legislature may not be sitting and therefore it is desirable that Government should have power to implement the recommendations of the Tariff Board without avoidable delay. I quite agree that Government should have that power; but I have a suggestion to make to the Hon. Mr. Sukthankar. Before actually taking action, perhaps it will be advisable for Government to consult the appropriate Standing Committee of the Legislature concerned with the particular business of legislation they are intending to promote. I do not know exactly what Committees we have got now; we have got about 22 committees and I think there is a Committee for Industries and it may be desirable to consult that Standing Committee before actual action is taken. That is the suggestion that I have got to make, and with these remarks I support the Bill.

\***THE HON. SAIYED MOHAMED PADSHAH SAHIB BAHADUR** (Madras : Muhammadan): Sir, I also give my support to the Bill. It is a fact that during the war a number of new industries have come into existence in our country, and several of them are in the formative stage, nascent industries, and they do require encouragement. It is therefore very necessary that some sort of protection should be given to help those industries to find their feet and prosper. I think it is really a useful measure and called for by the circumstances in which it is brought forward to the House. In supporting the Bill, I endorse the opinion just expressed by my Hon. friend Mr. Sapru that in so far as it may be possible for the Government to consult the Standing Committee concerned, they should take the opinion of the appropriate Committee before coming to a decision about the claims of the industry to such protection.

The Motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HON. MR. Y. N. SUKTHANKAR**: Sir, I move:—

[“That the Bill, as passed by the Legislative Assembly, be passed.”]

In doing so, I am glad to impress my Hon. friend (Mr. Sapru) that due consideration will be given to the suggestion made by him. The intention is to avoid delay. I cannot therefore commit myself to accepting this suggestion but as I have already said I shall be glad to consider its feasibility.

The Motion was adopted.

#### INDIAN SOLDIERS (LITIGATION) AMENDMENT BILL.

**THE HON. MR. A. D. F. DUNDAS** (War Secretary): Sir, I move:

“That the Bill further to amend the Indian Soldiers (Litigation) Act, 1925, as passed by the Legislative Assembly, be taken into consideration.”

The reasons for amending this Act are given in the Statement of Objects and Reasons and therefore I shall not explain them any further. Sir, I move.

\***THE HON. MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan): Sir, there is only one question which I would like to ask in connection with this Bill, and it is this. The Bill, I take it, gives the right of pre-emption to a soldier, but I do not understand these words “and which arises from the soldier being a lineal descendant or an agnate of the vendor”. What do the words “lineal descendant” mean? Do they mean his male descendants only? What does the word

[Mr. P. N. Sapru]

‘agnate’ mean? Is it the intention of Government that so far as female descendants are concerned, they should not have this right of pre-emption at all? If that is so, then I regret that Government should have pursued in this matter what I would call a reactionary policy. I think the daughters of the soldier and the female descendants of the soldier should have equal right in this matter with the male descendants. I therefore hope—I am not opposing this Bill—that it will be modified to suit this point of view in the next session.

\*THE HON. PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Sir, I am of the same opinion as that expressed by my Hon-friend Mr. Sapru, but I do not think that the Bill itself requires any modification. The limitation to which Mr. Sapru referred is mentioned only in the Statement of Objects and Reasons. This Bill confers on a soldier the right of pre-emption in respect of agricultural land which he did not enjoy before and this right has been conferred not merely on the man directly concerned but also on his lineal descendants or agnates. Now, a man’s heir may be in his son or his son’s son or his nephew or his sister’s son, but if the daughter’s son is excluded I think an injustice will be done. You have to take the heirs as they are and you have to see that all of them are placed on an equal footing. There is no reason for discriminating between heirs.

THE HON. THE PRESIDENT : The pre-emption appears only in the Statement of Objects and Reasons.

THE HON. PANDIT HIRDAY NATH KUNZRU : I hope, therefore, that the Government will not issue such instructions with regard to the working of the Act as to discriminate between different classes of heirs.

THE HON. THE PRESIDENT : May I bring to your attention the fact that it has been held in a number of High Court rulings that the Statements of Objects and Reasons do not affect the context of the Bill? There are a lot of rulings on this point, so that if you pass the Bill anything stated in the Statement of Objects and Reasons will not affect the interpretation of the Act in any way.

THE HON. MR. P. N. SAPRU : But we do not know what the customary law in the Punjab and other provinces is. A daughter’s son may be excluded in one province but not in another. Whatever be the law we can act according to that law.

THE HON. THE PRESIDENT : There may be a Hindu soldier; there may be a European soldier, there may be a Sikh soldier, we do not know. I do not think it actually does matter very much. If any objection could have been taken it would have been taken in the Lower House where there are very many good lawyers but no such objection was taken in that House.

THE HON. MR. P. N. SAPRU : Sir, I have no objection. I only wanted to raise a point.

THE HON. THE PRESIDENT : There are a series of rulings, as all lawyers know, that the Statement of Objects and Reasons or the Preamble does not affect any part of the Act itself.

THE HON. MR. A. D. F. DUNDAS : May I perhaps explain with regard to the points mentioned by the Hon. Members that the Act now proposed does not create or take away any rights of pre-emption whatsoever?

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HON. MR. A. D. F. DUNDAS : Sir, I move that—

“The Bill further to amend the Indian Soldiers (Litigation) Act, 1925, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

**RESOLUTION *RE* ACCEPTANCE OF THE CONSTITUTION OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION.**

**THE HON. DR. D. M. SEN** (Nominated Official): Sir, I beg to move the following Resolution :—

“This Council recommends to the Governor General in Council to accept the constitution of the United Nations Educational, Scientific and Cultural Organisation.”

The reasons for moving this Resolution, Sir, have already been circulated to Hon. Members and the Final Act and the related papers of the Organisation, which I shall briefly refer to, have also been circulated to Members. I shall, therefore, not take the valuable time of this House, but perhaps at the risk of what might appear as repetitions to certain Hon. Members who have gone through the papers I might recount some of the facts which have led to my moving this Resolution today.

The idea originated from two distinct sources. On the one side, it was the outcome of the work begun by a Conference of Allied Ministers of Education which had been meeting in London since 1942. On the other, the initiative was derived from a Resolution moved by the French Delegation at the United Nations Conference at San Francisco which called attention to the need for forming a permanent organisation of this kind. His Majesty's Government accordingly, invited the Government of India to send a Delegation to this Conference of the United Nations, which was held in London in 1945. The Government of India sent the following delegates :—

Dr. John Sargent.

Rajkumari Amrit Kaur.

Dr. Zakir Husain.

Dr. Amarnath Jha.

Mr. K. G. Saiyidain.

At the final session the Conference appointed a Preparatory Commission for the purpose of preparing the business for the first conference of the permanent organisation to be held in summer 1946. The results of the Conference were, in the opinion of the Indian Delegation, very satisfactory. There was a large measure of agreement among the delegates and generally a spirit of goodwill and accommodation. One specially interesting feature was the importance attached to this matter by the nations, particularly by the United States of America and France, judging from the quality and the quantity of their Delegation. The Delegation from India is unanimous that it will be well worth while for the Government of India to ratify the conclusions reached at the Conference and to give their full support to the United Nations Education, Scientific and Cultural Organisation. India stands to gain very much from association with progressive educational countries and may derive great practical assistance from the machinery of co-operation which it will be one of the objects of the permanent organisation to establish.

I, Sir, therefore, move.

\***THE HON. MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan): Mr. President, I desire to lend my support to the Resolution which has been moved by the Hon. Dr. Sen. I think it is right that this country with its international background, with its desire to play a part in the larger world of which it is a part, should join an organization the object of which is to promote the cultural, scientific and educational life of this planet of ours. In the last war, one of the institutions which was born was the International Labour Organization. That, we know, did a good deal of useful work in promoting and raising labour standards all over the world. As a result of this war, several organisations have been set up. One of the most important of these organisations is this Educational, Scientific and Cultural Organisation. I think about 44 nations were represented on this Organisation. Credit is due to the Government of India for sending a strong and able delegation. It was very ably led by Rajkumari Amrit Kaur; there was a distinguished Vice-Chancellor of the Allahabad University in that delegation—Pandit Amarnath Jha ;

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\*Not corrected by the Hon. Member.

[ Mr. P. N. Saprú ]

there was Sir John Sargent ; ther was Dr. Zakir Hussain; and there was Dr. Syed. The delegation created a very good impression in educational circles in London—so I was told by several people who had been in England about that time.

We need to develop cultural contacts with the nations of the world. During the last 25 years or so we have made some progress ; not as rapid as we should have liked it to be—I think the progress has been somewhat slow; from my point of view it has been very slow. But we have made progress in our educational, social and cultural life. But we need to come into contact, and our educationists need to come into contact with the larger world. If they come into contact with that larger world, they will be able to impart some of the knowledge they gather at these international conferences to the men and women who are engaged in the task of education in this country.

It is often said that we need to develop the international outlook. Well, I do not know whether we are in fact developing the international outlook or not, but I know this, that it is on the wisdom and ability and character and courage of the individual citizen that the future of any country will hereafter depend. And we want not only actual disarmament—I hope actual disarmament will also come one day—we want moral armament. I think one of the useful things that this Educational, Scientific and Cultural Organisation can do is to promote an atmosphere which will make for that moral armament.

I have not got before me the exact constiution of the Organisation. I arrived only this morning. I have been away from this country for over two months. I do not know what representation we have got on this Organisation. I hope that we are properly represented in the executive of this Organisation. It is of importance from our point of view, as one of the two leading countries of Asia—the other being China—that we should have proper representation on the executive of this Organisation. Sir, the cultural contacts, the scientific contacts—despite the atomic bomb and the secrecy which attaches to the atomicbom--bs and the educational contacts will help to broaden the minds of the teachers who go to the Organisation's meetings, and they will pass on the knowledge which they gain there to others in this country. It is of importance for the future of our race that we should give to education, to culture and to science the place that is their due. It was science that enabled the United Nations to win this war. Science was used in the last war for destructive purposes. Let us hope that it will be used hereafter for raising the moral, the material and the cultural standards of men. For what we need today is to make science subservient to humanity. While science has advanced while knowledge has advanced, humanity has not correspondingly advanced, and we need advance in ideas of humanity. If this Organisation is able to work towards this end, then it will have achieved something. Let us hope that it will be given to this Organisation to work for a better world, a world free from imperialism and from colonialism, and based upon the equality of all races, a world in which all races and nations will co-operate for noble objectives.

**THE HON. MR. M. THIRUMALA ROW** (Madras : Non-Muhammadian) : Sir, I do not want to take much time of the House, but I wish to associate myself with the remarks made by my Hon. friend Mr. Saprú, and I support this Resolution.

Sir, this is an organisation formed for the purpose of furthering the object of the United Nations Organisation. They want the moral, the spiritual and the intellectual co-operation of the peoples of the world. Their ideals are indeed high. But when I see the list of the countries that are included in this Organisation, I find that the countries which have been conquered are particularly excluded. I hope Germany and Japan also will be included, and that this great ambition of moral re-armament, as my Hon. friend put it, and education of the peoples of the world will not be denied to the aggressors who have been laid low by the victors in this war. It was quasi-humorously and quasi-seriously said by a great writer that if Germany perished science would perish, if France perished art would perish, but if England, was lost hypocrisy would disappear from the world. There may be difference of opinion as to the last postulate, but as far as Germany and France are

concerned, and even Japan, they have a definite contribution to make to the progress of humanity as a whole. British or American or any other nation has got an equal opportunity of destroying this world with Germany and Japan with the aid of science ; it all depends on the capacity for good and the culture of the people of those nations that ultimately shape the nature of the world in the future.

Now, the purpose of this Organisation, as it is stated here, is "full and equal opportunities for education for all, unrestricted pursuit of objective truth..... They qualify truth as objective. But let me tell them that India has got a message to give to the world of subjective truth by which India has always stood, and India is pre-eminently suited to give this message, which she has realised through her subjective experience, to the whole world. And from that point of view, I feel that this ancient country has a message to deliver to the rest of the world, and this Organisation may be a proper platform from which India's culture can be imparted to the other nations of the world. From that point of view I welcome this Organisation. There have been in the past the League of Nations, the League on International Intellectual Co-operation and all those big organisations. I hope this Organisation will produce greater results than all those that have gone before it in educating the whole world to a higher standard of morality and conduct where even atom bombs will be nullified by the superior moral thought of man. With these words I have pleasure in supporting this Resolution.

**THE HON. SIR RAMUNNI MENON** (Nominated Non-Official): Sir, I should like to support this Resolution. I do not wish to go into any detail nor do I think it necessary to do so. In the Educational, and Scientific Culture Organisation, as in other bodies created under the auspices of the United Organisation, India should play a very active part and as a preliminary to playing that part it is our duty now to accept the constitution laid down for this body. I therefore support the Resolution.

**THE HON. THE PRESIDENT** : Resolution moved :—

"This Council recommends to the Governor General in Council to accept the constitution of the United Nations Educational, Scientific and Cultural Organisation."

Question put and Motion adopted.

#### RESOLUTION *RE* RATIFICATION OF THE INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

**THE HON. MR. S. LALL** (Labour Secretary) : Sir, I beg to move the following Resolution :—

"This Council recommends to the Governor General in Council that the Instrument for the Amendment of the Constitution of the International Labour Organisation, as adopted at the 27th Session of the International Labour Conference held at Paris in October 1945, be ratified by the Government of India."

The Resolution, Sir, needs some explanation. After the first World War there was a very strong desire for universal peace and to bring about universal peace, the nations at the Peace Conference in the Treaty of Versailles brought into existence the League of Nations and its sister organisation, the International Labour Organisation. The League of Nations and the International Labour Organisation was linked together and the reason for linking them was stated in the Preamble which read as follows :—

"Whereas the League of Nations has for its object the establishment of universal peace and such peace can be established only if it is based upon social justice, etc."

To bring about social justice in the world without which, it was said, universal peace could not be established, the International Labour Organisation was set up. The link up with the League was both constitutional and financial. The constitutional link up will be clear from the 1st Article which reads :—

"The original members of the League of Nations shall be the original members of the Organisation and hereafter membership of the League of Nations shall carry with it membership of the said Organisation".

[ Mr. S. Lall.]

The financial link up will be clear from Article 13, part 2, which reads :—

“All the other expenses of the International Labour Office and of the meeting of the conference and Governing Body shall be paid to the Director by the Secretary General of the League of Nations out of the general funds of the League”.

This link up between the League and the International Labour Organisation has created difficulties even before the second world War. Certain State members, notably the United States of America, joined the I.L.O. but did not join the League and this caused a certain amount of complication. In the papers, Sir, we have been reading that the curtain is now ringing down on the League of Nations. It is not my duty nor my intention to deal with the decline and fall of the League or to express any views on the decay, dissolution of the League of Nations. But we must take note of the fact that the League of Nations is now to be dissolved, if it has not already been dissolved, and we have to consider how the International Labour Organisation can continue and what amendments are necessary in its constitution. While the League lost in importance, the I.L.O. grew in strength and even in the darkest days of the war, it showed an amazing vitality. Its constitution must now be unlike from the League and it is necessary to revise it and either to give it an independent status or to link it up with the new United Nations Organisation. The examination of the constitution with a view to determining what the amendments should be is a lengthy process. At the last session of the International Labour Conference at Paris, the Conference decided first to pass certain amendments which were considered to be of immediate urgency and to leave the other amendments to be considered by a Conference Delegation appointed by it, known as the “Working Party”. We are here concerned with the amendments which were passed by the Paris Conference and which were considered of immediate urgency. These amendments relate to three distinct matters, namely, first, membership, second, finance and third, future procedure for amending the constitution. They are urgent in the sense that if they are not ratified immediately, there will be constitutional and financial difficulties in running the I.L.O. I submit, Sir, that they are innocuous and quite unobjectionable. As regards the further amendments, the Conference Delegation has now prepared a Report and this Report has just been received by me by air mail. We have not had time to look into it very carefully and it certainly does require very close and careful examination.

THE HON. PANDIT HIRDAY NATH KUNZRU : Is it the Report of the Committee appointed by the Paris Conference ?

THE HON. MR. S. LALL : That is so. It is said in the introduction to this report—that each State member would be given 3 months for study and sending its views to the Chairman of the Conference Delegation. The Chairman, on receiving the views of the State members, will consider whether a further meeting of the Conference Delegation is required or not. At a further meeting held the Conference Delegation might revise its recommendations and its final report will then be submitted to the Governing Body to be placed on the agenda of the next ordinary session of the International Labour Conference. This Conference will then take a decision and if it adopts the amendments, it will have to do so by a two-thirds majority in accordance with the provisions of Article 36 of the Constitution. After the Conference has passed the amendments, they will be transmitted to the States Members for ratification under Article 4. It will be seen, therefore, that we shall be able to express our views on the further Amendments to the Constitution at various stages. First, when we examine the report of the Conference Delegation. Secondly, through our representative on the Governing Body when the official report of the Conference Delegation comes to the Governing Body. Thirdly, at the next ordinary Session of the Conference. Government Delegates and also Employers' and Workers' Delegates can raise any point that they may wish to. Finally, if the Conference adopts the amendments, they will come back to India for ratification. I can see from the amendment tabled that there is a good deal of feeling in the House that the interests of Asiatic countries are not receiving adequate attention. I certainly agree that any International Organisation which becomes a one-sided show or is run by a few members only is bound to fail. I can assure the House that

this point of view and the interests of India and of Asia will not be overlooked by the Government of India when they examine the Amendments which are now proposed in the Constitution of the I.L.O. The Amendments now before the House are simple and straightforward and I would urge, Sir, that the House should ratify these amendments. The I.L.O. has certainly done much useful work and has been much appreciated. Failure to ratify will be misunderstood and will not be in India's interest. We have, Sir, benefited by the I.L.O. and we have paid it the highest compliment, namely, the compliment of imitation, because we have in India a tripartite organisation on the I.L.O. model. With these words, Sir, I move my Resolution.

\* THE HON. PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, I beg to move :

'That at the end of the Resolution the following be added, namely :—

"and that in the further constitutional reforms of the International Labour Organisation now being considered, the Government of India should urge the International Labour Organisation to safeguard the representation of Asia on the Governing Body by the reservation of 6 seats in the Government group, 2 seats in the employers' group and 2 seats in the workers' group to Asiatics."

Sir, it is not my purpose in moving this amendment to oppose the Resolution brought forward by Mr. Lall or to belittle the work done by the International Labour Organisation. This organisation has, in spite of its limitations and the conditions under which the maintenance of security and the peace in the world depends, in a world torn by greed and lust of power, tried to draw our attention repeatedly to the need for improving the economic and social conditions of the workers, on which the future of the world so largely depends. Every Asiatic and every Indian is at present influenced by the feeling that the International Labour Organisation has been mainly a European Organisation and that it has neglected the interests of the Asiatic countries to such an extent as to create a gulf between these and those countries. Sir, the Amendments of the Constitution of the International Labour Organisation for which the Hon. Mr. Lall seeks our approval are by themselves unobjectionable. But as the Paris Conference appointed a Committee to consider what further constitutional changes should be brought about, it is necessary that the needs of Asia and India should be brought before the House and the Government. The Hon. Mr. Lall has told us that the Report of this Committee has been received. It is all the more necessary for us that we should place our point of view before Government so that the needs of Asia in general and of India in particular may be borne in mind by Government before they make up their minds with regard to the report which they have received. The International Labour Organisation, as its name shows, is concerned with the conditions affecting labour all over the world. Now, it is well known that the agricultural industry is the most important industry throughout the world, and it is almost the only industry in Asia. If therefore the International Labour Organisation wishes to discharge its duty, wishes to act as an agency for the improvement of the economic and social conditions of labour all over the world, it should have been its imperative duty to pay the utmost attention to the needs of Asiatic labour which is mostly engaged in agricultural pursuits. But, as I shall show later on, agricultural questions have been largely neglected by the I.L.O., and it seems to me that this neglect is due to the inadequate representation of the Asiatic countries on the Governing Body of the International Labour Organisation. Another reason for this neglect seems to me to be the gross under-representation of Asia on the staff of the I.L.O., and in particular to the absence of Asiatic from the higher direction of the Organisation.

Again, Sir, the principle of regional development will be regarded as highly important by any one who considers the different circumstances in which labour is placed in different parts of the world. Now this principle has been recognised in relation to other parts of the world than Asia. The needs of Europe were in no danger of being neglected by the International Labour Organization or it would have been soon called to account by those big European Powers which were the main supporters of the Organisation.

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\* Not corrected by the Hon. Member.



[Pandit Hirday Nath Kunzru]

As regards America, more than one regional conference has been held. Had similar action been taken in regard to Africa and Asia then the Organisation would have been in a position to say that it had discharged its duties impartially and that it had paid as much attention to the interests of agricultural labour as to those of industrial labour with which Europe is mainly concerned. Unfortunately, however as I have said no regional conferences have been held in Asia although the need for it has been canvassed for years.

These are, Sir, the main grounds on which I have brought forward my amendment and I shall now briefly elaborate these points to the House.

THE HON. THE PRESIDENT: You are only allowed 15 minutes.

THE HON. PANDIT HIRDAY NATH KUNZRU: I think I have taken only five minutes. (*Interruption.*) You want me to sit down and have a greater opportunity of speaking. I will gladly make over my papers to you. I think that the President was good enough to point out to me how long exactly I had to speak.

Sir, every one here knows how keenly India is interested in the International Labour Organisation and particularly in the U.N.O. and the I.L.O. It has contributed generously to the funds of the I.L.O. For some years, it contributed as much as the United States or England or France. Subsequently its contribution was reduced but I think it is still the third most important country providing for the support of the International Labour Organisation. Yet, as I have said, its interests and those of Asia, in whose welfare it is vitally interested, have been grossly neglected by the International Labour Organisation. I have already spoken, Sir, of the under-representation of Asia on the Governing Body. There were formerly, Sir, 24 Members on the Governing Body. Later on, the membership was increased to 32 in order to ensure adequate representation of non-European countries. It was proposed that they should be represented by 10 members. We thought when this modification was made in the constitution of the Governing Body that Asia would in future be adequately represented but unfortunately the new amendment has led to the Europe-America supremacy in place of the purely European supremacy that existed before.

Again, Sir, so far as India is concerned there is one point that ought to be brought prominently to the notice of the House. The Indian Government has got a permanent seat on the Governing Body. The Employers are still represented on the General Body but Labour had ceased to have any representation on it since the year 1944. I think this is a point to which the Government ought to pay serious attention. We, Sir, are not concerned with our own interests only. We regard ourselves as a part of the world in general and of Asia in particular and it is our duty to see that Asia is fairly treated in the matter of representation on the Governing Body because it is only in that way that the needs of India will receive adequate consideration. Our request should not fall on deaf ears. The League prides itself on having a democratic basis. It is necessary, therefore, that it should so arrange its representation on the Governing Body that all parts of the world are adequately represented and the needs of the workers in all countries receive the adequate attention of the Organisation.

Now, one result, Sir, of the composition of the Governing Body has been that the League has paid very inadequate attention to agricultural questions. Out of about 60 Conventions passed by the League only about 14 have been ratified by it and of these 14 only about half a dozen deal with agricultural labour.

Now a word about the staff of the I.L.O. Now, Sir, as the International Labour Organisation is a public organisation one would expect that full information would be available there with regard to the nationality of the staff of the organisation and the pay attached to the posts held by it, but this information is more difficult to get than that which relates to other aspects of it. So far as I know, there is no publication which gives this information to the public. We can get this information with regard to the various appointments in the Government of India but we could not get it with regard to the appointments under the League of Nations or under the International Labour Organisation. We must, therefore, insist on publicity in this matter and we should see that full information is given in future with regard

to the nationality of the holder of a post and the salary of the post. I think that it is the duty of the Government to obtain information on this point. There are some other points too on which it ought to obtain information so that we may know where we stand with regard to the matter of appointments on the staff of the I.L.O. I think the House would like to know what are the contributions that have been paid each year from 1920 onwards by such countries as the U.K., France, the United States, Switzerland, India, China and Japan. The House, I am sure, would also like to know the total number of employees from each of these countries and the total amount paid to the employees of each of these countries annually.

Again, Sir, we are vitally interested in knowing the present distribution of the staff according to nationality. Has any Indian been appointed to any of the posts dealing with higher supervision and control? These are very important points and I am sure that my Hon. friend Mr. Lall will not deny that our desire to obtain information in regard to them is perfectly justified. We have a feeling, which I think is based on facts, that the claims of India and Asia have been completely and ruthlessly ignored in these matters and that information has been kept secret because its publication would have led to an uproar in non-European countries. I trust that the Government of India will obtain this information from the I.L.O. before we are asked to vote further grants to it.

Just one point more in this connection before I have done. I understand, Sir, from a gentleman who was an Employers' delegate to one of the recent International Labour Conferences that there are about 397 officials employed by the I.L.O. and that of these, 89 are French and 81 British. That was the position about a year or two ago when this information was obtained. This means that 43 per cent. of the posts are occupied by the nationals of two countries. Again, I understand from the same source that the aggregate of salaries paid to the staff of French nationality amounts to about 209 per cent. of the annual French contribution, and that the salary paid to officials of British nationality amounts to about 153 per cent. of the British contribution. Now the Labour Member said the other day that two more Indians were going to be appointed on the staff of the I.L.O. This is no matter for satisfaction, if the information that I have placed before the House is correct; the appointment of two more members on the staff will not remove our just grievances, particularly those which concern the omission of Asiatics from the higher direction of the International Labour Organisation.

My last point relates to regional conferences. This matter has been under discussion for a long time. It is known to the International Labour Organisation what importance India and Asia attach, particularly China and South East Asia attach, to the need for holding regional conferences periodically where their own special needs might be considered. This matter has been under consideration for years. Some time ago, a good long while ago, I should say, a Director of the International Labour Organisation visited India and it was hoped then that an Asiatic Conference would soon be held. But nothing came of his visit. And now, for about two years we have been hearing that the International Labour Organisation has got this question once more under its consideration. Publicity has been given recently to the importance of regional developments contemplated by the I.L.O. I should like my Hon. friend to give us precise information on this point. We want to know how soon we can expect a regional conference to be held in Asia, and what are the important points to be considered by it. I wish that as soon as the war had ended the International Labour Organisation had taken steps to call a conference here, so that it might take steps as early as possible for the rehabilitation of the economic situation in South East Asia, and particularly of an improvement in the conditions of labour in this part of the world. But, for ought we know, the International Labour Organisation has done nothing concrete in this connection, and may do nothing concrete for years to come. I hope that the Government will strongly urge the points that I have placed before them on the attention of the I.L.O. We hope that owing to the desire of the League to expand its work and adjust its machinery to the changing conditions, that it would pay due attention to our grievances and take steps to rectify them. If unfortunately it does not do so, it will forfeit the confidence that the non-white races have so far placed in it, and it

[Pandit Hirday Nath Kunzru]

will be the duty of the Government of India then to take such action as might be necessary to create purely Asiatic organisations to serve our purposes.

We are in a particularly advantageous position in this connection, both because of official and non-official contacts between India and South East Asia and China owing to the war. I hope once more that the I.L.O. will read the signs of the times aright, will bestir itself, pay proper attention to the needs of agricultural labour and see that Asia is properly represented on the Governing Body. But should this matter be neglected, the duty of the Government of India is plain. I have suggested amendments in the constitution of the Governing Body with this view and I have suggested the precise amendment that I have placed before the House, because when the constitution of the League was modified it was laid down that six members out of the Government members, two representatives out of the Employers' representatives and two representatives out of the workers' representatives should be reserved for the representation on non-European interests. It was then hoped that this representation would go mainly to Asia. But Asia is at present represented only by five persons on the Governing Body, and the African races are represented by one member. My amendment therefore is meant only to give effect to the hopes which the change in the composition of the Governing Body inspired. It is not an amendment brought forward at random, it is not an amendment seeking to concentrate power in the hands of Asia; it is an amendment that was brought forward by the I.L.O. itself so that non-European interests might receive due attention. Europe and America together are already over-represented, and I think, therefore, that the specific amendment that I have moved will be regarded as reasonable and will receive the support both of the House and the Government.

THE HON. THE PRESIDENT: Amendment moved:—

“That at the end of the Resolution the following be added, namely:—

‘and that in the future constitutional reforms of the International Labour Organisation not being considered, the Government of India should urge the International Labour Organisation to safeguard the representation of Asia on the Governing Body by the reservation of 6 seats in the Government group, 2 seats in the employers' group and 2 seats in the workers' group to Asiatics.’”

The Council will now adjourn till 3 P.M. and when we meet, the debate will proceed both on the Resolution and the amendment.

The Council then adjourned for Lunch till Three of the Clock.

The Council re-assembled after Lunch at Three of the Clock, the Hon. the President in the Chair.

#### NOTICE OF MOTION FOR ADJOURNMENT—*contd.*

THE HON. THE PRESIDENT: Sir Archibald Rowlands, we are very pleased to see you here. There is the Adjournment Motion of Mr. Thirumala Row before us. During the recess I have looked up the Government of India Act and I should like definitely to know from you whether you have acted under section 313(3) or 241(2). I should like to know your views on the subject. I have overruled this Motion on the technical ground that it was not a matter considered by the Governor General in Council and could not be discussed under the Rules. If action has been taken under section 313(3), then my decision is perfectly wrong. I should like to know definitely from you on that point.

THE HON. SIR ARCHIBALD ROWLANDS (Finance Member): Sir, on the legal point, I am afraid I am not an expert. I do not pretend to know the Government of India Act inside out. I am not quite clear what the point is. Perhaps you would not mind that point being dealt with by the Home Secretary. I will deal with the case on the merits.

THE HON. THE PRESIDENT: If the appointment was made by the Governor General himself under the functions exercised by him, it cannot be questioned by an Adjournment Motion. But if any action was taken by the Governor General in Council, then it is liable to be questioned.

**THE HON. SIR MAHOMED USMAN :** As arranged this morning, I suggest that we first hear the Hon. Mr. Porter on the legal aspect ; then Sir Archibald Rowlands will deal with the case on the merits.

**THE HON. THE PRESIDENT :** I am glad that Sir Archibald Rowlands is here, because I want to know on the merits also. If I am wrong, I shall have to study the whole point on the merits.

**THE HON. SIR MAHOMED USMAN :** On the merits, Sir Archibald Rowlands will speak.

**THE HON. MR. A. E. PORTER :** Sir, I have looked into the point which I said I would look into and I have instructed myself as follows. I will read, if I may section 241, sub-section (1) of the Government of India Act. It says, excluding the portions which are not relevant,—

“Except as expressly provided by this Act, appointments to the civil services of, and civil posts under the Crown in India, shall after the commencement of Part III of this Act, be made in the case of services of the Federation and posts in connection with the affairs of the Federation by the Governor General or such person as he may direct”.

The Governor General has not directed any other person to make these appointments and that means that the appointments are made by the Governor General.

The question then arises what does the Governor General mean during the period of transition. After the introduction of Part III of the Act before the establishment of Federation the explanation of what is meant by the Governor General is contained, so far as the transitional period is concerned, in section 313 of the Act, sub-section (3) of which, again omitting portions which are not pertinent, says :

“References in the provision of this Act for the time being in force to the Governor General and Federal Government, shall, except as respects matters with respect to which the Governor General is required by the said provision to act in his discretion, be construed as reference to the Governor General in Council.”

This particular question, namely, appointments of Secretaries and Secretariat officers, is not one in which under the Act the Governor General is required to act in his discretion, and therefore the appointment in this particular case —

**THE HON. THE PRESIDENT :** He had remitted the case to the Governor General in Council.

**THE HON. MR. A. E. PORTER :** Was an appointment by the Governor General in Council ?

**THE HON. THE PRESIDENT :** That makes it clear that my decision would not stand in the present case and I shall hear Mr. Thirumala Row. I did not care to follow him this morning because I thought I was going to dispose of the question on technical grounds. You have argued this morning Mr. Thirumala Row, but I should like you to repeat your arguments again.

**THE HON. MR. M. THIRUMALA ROW :** Sir, I said that my objection to the appointment was based on two grounds, one on principle and the other on policy. The principle is that you should not bring a retired and superannuated gentleman from a far off province while there are qualified people in the Department itself. The second principle is that you should not bar the progress of Indians who are duly qualified in the Department to get to responsible positions.

**THE HON. THE PRESIDENT :** You have raised two points. You should not bring in the question of a superannuated officer and you should not refer supersession of the acting Secretary.

**THE HON. MR. M. THIRUMALA ROW :** The first point is that outsiders who have already retired should not be brought into service irrespective of racial considerations when there are people who are competent in the service itself, whether Europeans or Indians. My point No. 2 is that when there are competent Indians in the Department itself with sufficient seniority and service they should not be overlooked in favour of a man who has already retired. With regard to public policy, I am not sure that this gentleman is an expert on Finance in the Madras Government. I know he was Finance Secretary from 1930 to 1934. But afterwards

[Mr. M. Thirumala Row]

like every other civilian who is considered to be omniscient, knowing everything under the sun, he was Registrar of Co-operative Societies for some time. He was the Member in charge of the Home Department —

**THE HON. THE PRESIDENT :** May I know whether you consider that I am entitled to go into individual cases under the rules ?

**THE HON. MR. M. THIRUMALA ROW :** It is a power exercised by the Governor General in Council. When a power is exercised, the Governor General in Council must take into consideration all the aspects of the case with regard to principle as well as public policy. There is a strong feeling among all the public men and public bodies in India against this particular individual, especially in Madras, where as Adviser in charge of the Home portfolio he transported 40 or 50 important leaders of public opinion from the Madras Province to Amraoti and there detained them indefinitely without any consideration for their health. Mr. Satyamurthi was one of those who was transported under the orders and aegis of this particular gentleman when he was not in a fit condition to travel and was made to sit in a 22-seater bus or motor lorry from Nagpur to Amraoti when it was raining when that gentleman was not even in a condition to sit up. That aggravated his disease and in spite of repeated requests to transfer him back to Madras to get proper treatment, he was transferred at a very late stage when recovery was impossible and he therefore succumbed. There is a very strong feeling among the public in Madras that such a civilian officer who has earned his pension and retired should not be brought back under any circumstances into a public office again. This is my second point. These are the two points on which I object to the appointment of this gentleman and ask this House to express its disapproval of the course taken by the Governor General in Council.

**THE HON. THE PRESIDENT :** Assuming all that you say is true, am I justified under rule 11 to look into this individual matter ?

**THE HON. MR. M. THIRUMALA ROW :** It is not a question of individual matter. He is in charge of the finances of the country and second in command to the Finance Member. I oppose it on principle and public policy. There is no other opportunity of bringing this matter before the House by way of Resolution or interpellation, because we are going to have only one more sitting on the 18th and we have come to know of it very late in this session. Therefore, Sir, I am entitled to ask for the admission of this Adjournment Motion.

**THE HON. MR. P. N. SAPRU :** Mr President, so far as the first point is concerned, I should like to say that an Indian officer has been superseded. That raises a question of principle. I mean, the principle is that there has been a setback so far as the policy of Indianisation is concerned—that there is no progressive Indianisation of the Secretariat—and I would submit that on that point alone the Adjournment Motion raises a question of urgent public importance which should be considered by the House.

**THE HON. THE PRESIDENT :** I suppose when the National Government comes into existence and they appoint an Indian and a European is not appointed you will bring in an Adjournment Motion then also.

**THE HON. MR. P. N. SAPRU :** I am not prepared to concede that it will raise a matter of urgent public importance.

**THE HON. THE PRESIDENT :** It is a reverse case.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** I think if you ask me on the question of principle, there is nothing on that point, but whether we shall bring forward a Motion is quite a different matter.

**THE HON. THE PRESIDENT :** I will decide the question, but I want to know your opinion first so that you may not say that I have not given you a hearing.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Sir, if we find that certain important considerations have been overlooked in connection with a particular appointment I think we can raise the matter in connection with that appointment. If you decide that no individual case can be considered you practically decide that

there can be no Motions of Adjournment with regard to any appointments made by Government.

**THE HON. THE PRESIDENT:** You cannot raise any question of general policy. You have misunderstood if you think you can raise a question of general policy under that Standing Order.

**\*THE HON. PANDIT HIRDAY NATH KUNZRU:** But how is a question of the general policy to be discussed? How is it to be inferred except from the actions of Government? We see the actions of Government in connection with the filling up of appointments only when a particular appointment is filled up. There is no other means of knowing the policy of Government and if you rule that the action of Government in regard to a particular appointment cannot be discussed you debar us from considering the policy underlying an action. I hope, therefore, Sir, that you will admit Mr. Thirumala Row's Motion of Adjournment because it does raise important questions, as he said, of principle and of policy.

**THE HON. SIR ARCHIBALD ROWLANDS:** I am not, as you know, familiar with the rules of the House and I regret I have had few opportunities of visiting it. During the Budget myself was all the time in what is known as "another place" but I do submit that, from what I know of the procedure in that other place, this is not a matter to justify an adjournment of the business of the House to discuss it. There is no question, in my submission, either of principle or policy. It is purely an administrative act which I was necessarily entitled to take and which I would be failing in my duty if I did not take. The fact was that the Principal Secretary of the Finance Department was going on very much overdue leave to England for five or six months and it became necessary to make such arrangements as were possible to see that the Department was not unnecessarily weakened in the interval. There is no question of racial discrimination. At least that charge cannot be brought against me, because I appointed an Indian as Secretary of the Finance Department a few months ago. He is the first Indian to hold that office. Then the Financial Commissioner, Railways, has just gone on leave and I have sanctioned and approved that his place should be taken by another Indian officer. There is no question of Government having accepted that, in no circumstances, will they re-employ a superannuated officer. In fact, owing to the expansion of duties and reductions in the cadres a notable reduction in cadres, Government has had to resort to that on many occasions. The officer in question was not brought back from retirement or unemployment. He was at the time that I secured his services—and I was very lucky to get them—employed under the Government of Bengal. I do not know what he did as Home member in Madras. I think the point is irrelevant and, in no event was it a point that I was entitled to take into account. Then the appointment is only for five months. I do not think that any question of principle or policy is involved—it is only an officiating appointment and not a permanent appointment—or that the matter is one calling for an adjournment of the business of the House.

**THE HON. PANDIT HIRDAY NATH KUNZRU:** May I observe in connection with the remarks made by the Hon. the Finance Member that he has not met either of our points. The question of principle still remains to be discussed. He did not touch it. He did not say one word about it.

**THE HON. SIR ARCHIBALD ROWLANDS:** I have dealt with both, Sir. I will repeat them again if the Hon. Member so desires.

**THE HON. PANDIT HIRDAY NATH KUNZRU:** The Hon. Member says that none of these considerations applies to the particular appointment but he did not say one word about the question of principle which was referred to by my Hon. friend Mr. Thirumala Row. In the second place, Sir, what the Hon. the Finance Member has done in connection with the appointment of an Indian Financial Commissioner, Railways is irrelevant. The question is whether if this gentleman had not been appointed the Indian Secretary would have had a chance of officiating as Principal Finance Secretary or not. That is the plain question before us. We are not accusing the Finance Member here of having consistently ignored all Indian interests. The question is of the policy underlying this particular act. Had the most

[Pandit Hirday Nath Kunzru.]

important post in the Finance Department been that of Secretary we would have all congratulated my Hon. friend opposite on having appointed an Indian as Finance Secretary but the most important post in that Department was that of Principal Finance Secretary and if he wants to show that Indian have his complete confidence he must show why Sir Hugh Hood had to be appointed to this particular post when he, during his long service, has had no particular connection with finance. He was once Finance Secretary to the Madras Government. Even on the question of qualifications, therefore, my Hon. friend has not met the point raised by my Hon. friend Mr. Thriumala Row fairly. I think, therefore, Sir, that the Motion which Mr. Thriumala Row has placed before the House is worthy of being accepted by you.

May I just say one word before I sit down? My Hon. friend opposite said that the Government had made such arrangements as were possible in order to see that the Department was not weakened in the interval, that is while the permanent Principal Finance Secretary was on leave. Judging from the qualifications of the person who has been appointed as Principal Finance Secretary can any one really believe that this was the only arrangement possible for carrying on the work of the Department during the absence of Sir Cyril Jones? I think it is making too large a demand on our credulity to ask us to believe that this was the only appointment that could have been made in the circumstances.

**THE HON. THE PRESIDENT:** I should like to know whether you made this appointment in your individual capacity or whether it was brought before the Executive Council and they decided to appoint Sir Hugh Hood.

**THE HON. SIR ARCHIBALD ROWLANDS:** I do not think it is proper to disclose the process by which Government arrives at a decision. The appointment was made in accordance with the accepted procedure that is to say it was made on my recommendation and approved by the Governor General.

**THE HON. SIR. N. GOPALASWAMI AYYANGAR:** There is only one other question on which I would seek some enlightenment from the Hon. the Finance Member. It is a fact or is it not a fact that Sir Hugh Hood has formally resigned the Civil Service or retired from it? That is No. 1. It is not a fact when vacancies of this sort arise Government should look to the live members of the Services for finding the man who should fill the post? Is it considered to be the proper policy to go out of the ranks of live members of the Services and ask a man who has resigned the Service or retired from the Service to come back even if it be for a temporary period?

I think Sir, speaking from the standpoint of the services, it is an injustice done to the services that persons who are in service and who are doing work should be passed over and people who have retired from service should be called back and made to take the places which should be reserved for men who are in service.

**THE HON. SIR ARCHIBALD ROWLANDS:** I will answer this question first of all. Sir Hugh Hood is a re-employed I.C.S. officer: that is to say, he had reached the age of retirement and was re-employed immediately, first by a Provincial Government and then by this Government. Normally, I would entirely accept, in the interests of the service, that most high appointments should be filled by what my Hon. friend has called "live" members. I do not know what the suggestion is—whether it is that Sir Hugh Hood is half dead: but if the Hon. Member knows him as well and as I do I think he would not think that is so.

Moreover, in a particular case, I think it must be left to the Member in charge who is responsible for the efficiency of the department to make those arrangements which he thinks are proper so long as they do not inflict any injustice: and I deny that any injustice has been inflicted in this case.

One point I omitted to mention. The officer who is alleged to have been superseded—I deny that the use of the word is correct in this connection—and incidentally he is a personal friend of mine—that officer has recently been appointed to the charge of a very important section of the Department; and to have withdrawn him at this stage would have seriously affected the efficiency of the Department at a time when it is clearly more imperative than ever to maintain that efficiency.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Could he not as Principal Finance Secretary have carried on the negotiations which he is doing now ?

**THE HON. SIR ARCHIBALD ROWLANDS :** No, Sir, he could not do both jobs.

**THE HON. THE PRESIDENT :** In my opinion, the wording of this Adjournment Motion is essential, and we must confine our attention in the first instance to the exact wording. In the Motion which the Hon. Member has handed over to me, the wording is: ".....to discuss a matter of urgent public importance of recent occurrence namely the appointment as Acting Finance Secretary to the Government of India, of Sir Hugh Hood who is a retired and superannuated Madras civilian", and, secondly "in supersession of Indians of capacity available in the Finance Department". Hon. Members will see that two main points are made in this Adjournment Motion. I say at the very commencement that it is not open to any member of this House on an Adjournment Motion to make any special reference to any injustice or any particular grievance and make that a subject of argument. The Adjournment Motion which is contemplated in rule 11 is a Motion which only allows an argument regarding a definite matter of urgent public importance of recent occurrence that is to say, the principle which is involved. Hon. Members can argue the principle but they cannot argue special cases of grievances, and under the pretext of bringing certain cases of injustice or grievance before the public eye, it is not open, in my opinion to any member of the House to move an Adjournment Motion on that ground.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** On what ?

**THE HON. THE PRESIDENT :** On that construction. I have not yet finished. I have given ample opportunity to members to address the House and I now request Hon. Members to allow me to say a few words and express my views on the subject.

Secondly, if the Hon. Member says that this is a definite matter of urgent public importance I entirely disagree with him, because during the last five or six years, we have several times discussed this matter at great length both by questions and by resolutions, that the policy of the Government of India should be that Indians should be appointed and not Europeans. All these questions have been very carefully and very often fully argued in this House. So, it is certainly not a matter of urgent public importance, in my opinion.

Another difficulty which I have to contend with in considering this matter is that I cannot look into individual cases. The present incumbent may be condemned another officer may be found unfit for the work ; I have no means of judging these matters. There is no evidence before me ; there is no data before me to go upon and it would be foolish for the President to consider these matters at all. Arguments either for or against are simply inopportune or irrelevant matters. We have only to look at the principle involved and I want to say that the President is not right in assuming that the principle has been accepted or whether the President has any status or right to argue about or not doubt or to question to an appointment made by Government in the exercise of its ordinary functions. I say that it is certainly not my business to interfere. Whether the discretion was rightly exercised by Government or not is not my concern. They may have rightly exercised it, or they may have wrongly exercised it ; I cannot look into those things at all. I am not privileged to look into those things. The rules do not permit to look into those things. That is the Government's lookout. For all these reasons I hold that the Adjournment Motion is not in order and does not comply with the requisite Standing Order, and I therefore reject it.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** May I understand the effect of your ruling ? Do you rule that we can never consider the policy underlying any appointment made by the Government ? Questions relating to appointments have been discussed before this House—

**THE HON. THE PRESIDENT :** As I have already said, it is not the business of the Chair, under this rule to which I have referred, to consider individual cases of grievances. And if the Hon. Member brings Adjournment Motions based on individual grievances, the work of the Legislative Council will be wholly impaired and we shall never be able to go any further.



**THE HON. MR. SUSIL KUMAR ROY CHOWDHURY** (West Bengal : Non-Muhammadan) : It is not a question of individual grievance ; it is a question of national grievances—a question of Indian *versus* European.

**THE HON. MR. M. THIRUMALA ROW** : Will you , Sir, permit me to make one observation ? I have not mentioned any individual grievance in this connection, but only the general question of an attempt to bar the progress of Indian employees in the Government of India so far as the filling of that vacancy is concerned. The principle has been accepted. It has been agitated by the public and has been accepted by the Government. And in the present context when the Cabinet Mission is here negotiating a transfer of power to Indians, the Government of India is moving in the opposite direction and bringing in reactionary superannuated people into the Government. That is the point in the morning when you gave your ruling, you took your stand only on the question whether the appointment was made by the Governor-General or by the Governor General in Council, and you gave your decision on that point. But on our representation, you deferred the decision to the afternoon pending further clarification of the legal position. Now you have taken the whole matter—

**THE HON. THE PRESIDENT** : I have clarified the legal position and therefore I say I was wrong ; I do not admit that I was under a wrong impression.

**THE HON. MR. M. THIRUMALA ROW** : If you had made these points in the morning we would have been prepared to rebut those points—

**THE HON. THE PRESIDENT** : Order, order. The Hon. Member cannot rebut the points : when they have been decided by the President, his decision is final. The Hon. Member ought to know that.

#### **RESOLUTION RE RATIFICATION OF THE INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION—contd.**

**THE HON. RAI BAHADUR SRI NARAIN MAHTHA** (Bihar : Non-Muhammadan) : Sir, I wish to offer my support to the amendment moved by my respected and honoured leader Dr. Kunzru. The Mover of the Resolution said that the League of Nations was practically in a state of liquidation and that in the event of the League being liquidated finally the I. L. O. would have to function independently, and should, in that circumstance, be allowed to develop or establish contacts with the U.N.O. So far as this aspect is concerned, we in this House, or India as a whole, can possibly have no objection. But finding that the I.L.O. is going to change complexion and perhaps composition also I consider it a very opportune time when the grievances of such countries as have been principal members and have been contributing substantially towards the funds of the I.L.O. should be taken into consideration. Sir, all parties in India are interested—and most vitally interested—in gaining contacts with other countries and consequently with organisations such as the U.N.O. or the I.L.O. India's poverty compels her to take interest in an organisation like the I.L.O. as practically all countries in Asia stand on a low level of production and on low standards of general living. At the same time we have to remember in this connection that India had been annually contributing to the I.L.O. funds equal to the contribution made by the U.K. or France in pre-war years. Later on, however, India's contribution was somewhat reduced and if my information is correct, India even today is the third highest contributor to the I.L.O. That being the case we definitely do want to take into account how much and to what effect our position in the I.L.O. leads to the benefit of Indian industries or even to the benefit of agricultural labour in this country. There is a definite feeling in this country, and perhaps also in many countries in Asia, that great inequality of treatment between the white and coloured races has existed in the I.L.O. The treatment given to Asia as a whole if taken into account will certainly stand as a very dark blot on the past history of the I.L.O. Taking the Governing Body of the I.L.O. into account we have been told that formerly it consisted of 24 members, 12 of whom were representatives of various Governments, 6 were representatives of the employers of various countries, and 6 used to represent the workers of various countries. It was however the experience of Asiatic peoples that during all this period it has been very difficult for non-European countries to gain any substantial representation in the Governing Body of the I.L.O. and in course of time matters came to such a pass that even the I.L.O. itself started realising that the

position given to Asiatics in the I.L.O. Governing Body may not in the long runs prove to be advantageous to the Organisation itself. This is the history of the change that later took place in the composition and number of the Governing Body of the I.L.O. We find that somewhere in 1934 it was specifically decided that the Governing Body of the I.L.O. must have 6 Government representatives, 2 employers' representatives and 2 workers' representatives who must be non-Europeans and that the total number of the Governing Body would then be increased from 24 to 32 giving 16 members to represent Governments, 8 to represent the workers and 8 to represent the employers. But in the election that was held in 1937 it was found that the desired effect could not be produced. That is, even after the change that was effected in the composition and even in spite of the assurance of a definite apportionment of seats to non-Europeans it was found in the election of 1937 that 25 seats were secured by Europeans, Americans and Oceanos and out of 32 seats only 2 went to Africa and 5 only remained to Asia. That cannot be considered a very satisfactory position. At least we cannot share the satisfaction which Government might have. I shall now examine the question from another point of view also. Russia is not a member of the I.L.O. The total population of the world is generally quoted to be 2,000 millions out of which 1,200 millions belong to Asia. I would like to ask Government whether they consider it a satisfactory state of things that 1,200 million people get 5 seats and 680 million people get 25 seats.

**THE HON. THE PRESIDENT :** Am I to take it that you are objecting to that part of the amendment which gives figures ?

**THE HON. RAI BAHADUR SRI NARAIN MHATHA :** No, Sir. What I say is that the percentage of representation demanded in the amendment moved by the Hon. Dr. Kunzru is a very modest one. In fact even if we take only the population figures into consideration, we should in every case be justified in claiming that Asiatic countries with a population of 1,200 million, should get more than 50 per cent. of the seats in the I.L.O. Governing Body. Keeping that view before us, I think the amendment takes a very modest and very moderate view of the proportion that Asia must get in the I.L.O.

As far as I am aware the I.L.O. produced about 60 Conventions only 6 of which dealt with agricultural labour. Indian labour is mostly agricultural. India, I would therefore say received very scant attention. I would also examine this from another point of view, i.e., from the point of view of Indian industries. If we take into consideration Industrial Conventions, there too it has to be recognised that Asiatic countries do feel that the main aim of the I.L.O. is to arrest the development of industries in Asiatic countries by saddling us with heavy labour costs which could be borne only by those Countries where industry is already well established. A Convention by its legal nature is something with which one cannot take great liberties, and it is on account of that fact that India has not been able to ratify most of the Conventions produced or brought forward by the I.L.O. because most of these Conventions have been found to be of unreal value to India and in the context of Indian conditions cannot at present be considered to be beneficial to or bearable by Indian industries. Sir, the amendment, as you have observed seeks to add to the statutory representation of Asia, because India cannot make herself heard all by herself. If Asia does not get a better representation in the I.L.O. India may be forced by circumstances and would be perfectly justified as leader of the many countries in the East to work for another organisation like the I.L.O. for Asiatics. That will not however be a happy position either for the present I.L.O. or for the I.L.O. that Asia may choose to start for herself. I, therefore, think that the amendment should be accepted by the Government and the principle underlying the amendment pressed by the Government on the present I.L.O., which has so far treated India merely as a milch cow and has not even thought fit to appoint Indians to any honourable jobs in their establishment.

**THE HON. THE PRESIDENT :** (to the Hon. Pandit Hirday Nath Kunzru) You have asked for 6 seats for the representation of Asia on the Governing Body. Have you consulted the other States and got their opinion.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** It is not necessary for me to do so.

**THE HON. THE PRESIDENT :** I only want to know from you whether they will be satisfied with what you asked.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** I am sure they will not be, but I had to consider two things. One we do not even have the little that I have asked and the other is that I was not certain of the attitude of our Government of India. I had therefore to put forward to amendment which had some chance of being accepted by the present Government.

**THE HON. THE PRESIDENT :** Your request is very modest. I admit that I only want to know whether the other parts of Asia would agree to your suggestion.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** I think they will regard it as a great improvement on the present situation. If my proposal is accepted, it would double the representation of Asia. Besides, Sir, when the Constitution of the I.L.O. was amended and the number of members on the Governing Body was raised from 24 to 32 and it was understood that the increase in the number of members would enable Asia to have better representation no objection was raised to the proposal. My proposal therefore repeats only the proposal made earlier by the International Labour Organisation and which was hoped to be for the special benefit of non-white races.

**THE HON. THE PRESIDENT :** I quite understand. But can this House bind other parts of Asia ?

**THE HON. PANDIT HIRDAY NATH KUNZRU :** We are not binding any part of Asia at all. All what we are seeking is to broaden the composition of the Governing Body so that interest unrepresented at the present time might be more adequately represented and I am sure Asia will be very grateful to us for having taken up its cause and seeing that in future it is not ignored to the extent to which it has been in the past.

**\*THE HON. MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) :** Mr. President, I think I am making no exaggerated claim for myself when I say that no member of this House has taken a greater or keener interest in the International Labour Organisation, and labour questions generally, than myself: The International Labour Organisation has always had a big attraction for me, and I have always welcomed India's membership of the International Labour Organisation. At the same time, there is our point of view which has to be pressed before the International Labour Organisation and our Government should take the lead in pressing that point of view. That, I take it, is the sum and substance of Pandit Kunzru's Resolution. What does he say? He wants that in the further constitutional reforms of the International Labour Organisation now being considered, the Government of India should urge the International Labour Organisation to safeguard the representation of Asia on the Governing Body by the reservation of 6 seats in the Government group, 2 seats in the employers' group and 2 seats in the workers' group. We know that the International Labour Organisation met at a conference in Paris only about last year. The constitutional amendments in the I.L.O. are not by any means yet complete and the Paris Conference has appointed a committee which will study the constitutional changes which are necessary in order that the I.L.O. might function more effectively: and therefore the time is ripe—more than ripe—when we should press for some changes of an important character in the constitution of the I.L.O. Sir, India, which is a part of Asia represents nearly one-fifth of the world's entire population. Asia has got a population of more than one-half of the world. It has got about 1,200 million people and we have got in Asia the largest agricultural population in the world. Now, this huge continent, with varying standards of labour has got only about 5 seats out of a total of 32 seats. Europe and America get in the executive about 23 seats and the other 4 seats go to Africa and Oceania. If we examine the composition of the I.L.O. Governing Body, we find that the white races have been able to obtain as many as 26 seats. The white races do not represent the majority of the world's population. The white races have been able to obtain as many as 26 seats.

The non-white races have been able to win only about six seats. If we look into the staff, and particularly the superior staff, of the I. L. O. we find that the Asiatics

\*Not corrected by the Hon. Member.

are practically nowhere there. Two more Indians might have been added to the staff but that is nothing. So far as the Directorship of the Organisation is concerned so far as the other superior posts are concerned, they are all reserved for the white races. They may not technically be reserved but we know that they only go to the white races. The I. L. O. has more than one Regional Conference for the American region, but so far as the principle of regionalism is concerned that has not been applied to Asia at all so far and, if it is to be applied to Asia there are some countries of Asia which are unfortunately not imperialistic nations which are not members of the I. L. O. Take, for example, Malaya. I have just been coming from Malaya. I have just seen what the conditions of labour in Malaya are. I know how conscious Malays are. The white man will never be able to have the same position in Malaya as he had before the war. The Chinese are very conscious. The Malays too are getting politically conscious and yet Malaya is not a self-governing country and there is no immediate or remote possibility of their getting their own Government. So she goes without representation. Ceylon is not a member of the I. L. O. She goes without representation. Well, that is the position so far as this Asiatic region is concerned. So far as India is concerned we are the third paymaster of the I. L. O. I think Britain and America pay more than we do but we come immediately after, and what is the reward that India has got for being very scrupulous in honouring her financial obligations towards the I. L. O. The reward that India has got for honouring her obligations—financial obligations—towards the I. L. O. is that her labour goes without any representation on the executive of the I. L. O. She has got two Employers' representatives on the I. L. O. but so far as the vast mass of labour is concerned it goes without representation on the I. L. O. You will say there are labour differences here. There is the Indian Federation of Labour of Mr. M.N. Roy—I am glad that subsidy to it has been stopped; that is one good thing I learnt on my return from Malaya—and there is the Trade Union Congress. You will say what can we do and how can we press the claims of Indian labour and so on. Well in the United States you have got two Labour organisations—very powerful organisations—but that argument does not apply to the United States. I suppose the Labour market is not completely united in other countries either but the arguments which are applied to this country will not apply to other countries, for the simple reason that in other countries there are Governments who are prepared to fight for the rights of their men. I do not know whether our Government is prepared to fight for the rights of the underdog in our country. The Indian Labour is without any representation in the I. L. O. and yet we contribute towards the I. L. O. more than any other country except Britain and, I think, the United States.

Now, the I. L. O. boasts of being a very very democratic body. You get very interesting pamphlets headed "Towards our true inheritance" and all that sort of thing and the equality of races is always emphasized and democracy is held up as an ideal. There is great stress on social security and social justice and all that. That is all very interesting but I ask in all seriousness whether this democracy is justified in denying equality of representation to the greatest continent in the world, the continent which supplies Europe with raw material for the manufacture of her goods.

I think Pandit Kunzru's Resolution is a very modest one. He himself is a very modest man. He is a very moderate man and he has brought forward this Resolution as a test Resolution. The agricultural workers outnumber the industrial workers, I do not know, by how many hundreds of thousands throughout the world and yet the agricultural workers of Asia have got to go without any representation in this most wonderful body—the I. L. O.—which, I admit, has probably done something to raise labour organisation, with whose ideals I sympathise but whose constitution I consider to be thoroughly unsatisfactory.

Take, for example, the Industrial Conventions. Now we have been able to implement only 14 out of 66 Conventions. I think we could have implemented more. I am one of those who are for improved labour standards and who like Conventions to be invented. Of course, you tell the employer to shorten hours. He will tell you they cannot be shortened but when you actually shorten hours experience will tell you that the shorter hours have had no real effect upon productive capacity. You will get that opposition from vested interests. But the point is this. When you are drafting a

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Convention for the entire world you must take into consideration the conditions of industry not only in the bigger countries and more advanced countries of the world but also in the smaller countries of the world. It may be that conditions in the tropics are somewhat different from conditions in the West. It may be that what suits Britain, which has reached a stage of industrial development which it will take us considerable time to reach can afford to implement Conventions which a poor country like ours cannot afford to. There is therefore a case for treating the tropical countries somewhat differently and we should have exerted some influence over these Labour Conventions if we had sufficient representation on the I. L. O. But we have no representation. The fact of the matter is that we are supplied with a European pattern, not with an Asiatic pattern. Therefore, it is from our point of view most important, if we are to function as an effective member of the I. L. O., that we should have adequate representation on the Governing Body of the I.L.O. In fact, you cannot legislate even by agreement without complete knowledge about the East. The difficulty with the Organisation as it exists today is that it has not that complete knowledge about the East which is necessary if it is to legislate effectively for the East by conventions. Therefore, the conclusion is that the best way of bringing about better labour conditions and more satisfactory labour conventions is to provide for Asia's adequate representation on the Governing Body.

I should like to know what are the amounts of contributions paid to the I. L. O. each year from 1920 onwards by such countries as France, Switzerland, India, China, Japan, the United States of America and the United Kingdom. We should like to get some information from the Government of India about the present nationality distribution of the staff of the I. L. O. We should like to know whether, after a quarter of a century of association with the I.L.O., we are considered fit to be associated with the supervisory staff and with its higher staff. If so, to what extent. And we should like to know whether the I.L. O. is to be regarded in future as a British, French and American concern, or whether it is to be regarded in future as the concern in which all the peoples of the world including the peoples of the East are interested.

Figures were quoted by my Hon. friend Pandit Kunzru : he is very good at quoting figures, and I need not quote them again. But I would just point out that before the outbreak of the war there were 397 officials in the I. L. O.—I am excluding the clerical staff—and of these 397 officials, 89 were of French and 81 of British nationality. They accounted for nearly 43 per cent. of the officials of the I. L. O. The aggregate of the salaries paid to officials of French nationality represented 209 per cent. of France's contribution to the I. L. O., and the aggregate of the salaries paid to officials of British nationality represented 135 per cent. of the United Kingdom's contribution to the I. L. O. We should like to know what is our percentage. Surely these matters are worth looking into, and before we are asked to enthuse over the achievements of the I. L. O.—and I do not want to decry that body—before we are asked to look upon it as a democratic body which is working for raising labour standards all the world over, we should be given some glimpse into the working of the I. L. O. during the last 26 years of its existence.

Now, I would like to refer to the regional developments contemplated by the I. L. O. We should like to have an Asiatic region associated with the I. L. O. It may be that, if the present state of things continues, we may have to think in terms of an Asiatic I. L. O. ; we may have to think of breaking away from the main body and build up a body which would include our great neighbour China, which would include an independent Indonesia, which would include a Malaya which had acquired independence, which would include Ceylon and Burma, which would include Afghanistan, Iraq, and a completely independent Iran, and which would include also, I hope, an Egypt which had acquired real independence, and which would probably also include the African colonies from which the South African whites were eliminated. One day I hope that the native races of South Africa will be able to win their independence against the infinite whites of South Africa. I hope that day will dawn, and that that day will dawn in our lifetime. It is for that international order, based upon real equality, based upon real democracy and not upon fictitious democracy, not upon the democracy of imperialism, that we in this country are asking, and it is from that point of view that we must judge the future of the I. L. O. I welcome the amendment of my Hon. friend Pandit Kunzru because it represents a step in the

direction of providing for greater Asiatic representation on the I. L. O. Governing Body. With these words, I generally support the Hon. Pandit Kunzru's amendment.

**THE HON. MR. S. LALL :** Sir, I have listened to this debate with very great interest. I may say at once that I am in wholehearted agreement with the principles underlying the amendment moved by my Hon. friend Pandit Kunzru. An international labour organisation must be international in the true sense of the term ; it must be no monopoly of particular races. It must include all countries and give fair rights and due share to each. I am also in entire agreement with what my Hon. friend said that the public had a right to expect complete information as to how an international organisation conducts its affairs. There must be no concealment of facts. With that object in view, I should like to tell the House that in the Labour Department we are now contemplating bringing out an annual year book which will give up-to-date information on all labour matters. I propose that in this year book, and if not in this year book at least in the Labour Gazette which we are already publishing, we should give detailed information about the contributions that are made to the I.L.O. and about the composition of the staff of the I. L. O. I am sure this information will be useful, and it will be open to members of the Legislature to criticise or to make comments on the facts as revealed in the year book. In criticising the I. L. O. we must take into account their difficulties. The war certainly did make a difference. I know that when the Director of the I.L.O. came here in 1937 he was very keen on giving Asia its due place in the International Labour Organisation. Unfortunately, the war came only a year and a half after his visit and much that he contemplated could not be given effect to during the 6 years of the war. I agree that agricultural labour must also receive consideration in the International Labour Organisation. I should like to tell the House that there is a permanent Committee attached to the Governing Body, known as the Permanent Committee on Agriculture and India has a representative on that body.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Are the Government of India satisfied with that ?

**THE HON. MR. S. LALL :** I believe, Sir, there are 2 Government representatives, 2 workers' representatives and 2 employers' representatives. The other representatives on the Committee are experts. Of the 2 Government representatives, India has one. I should like to see more of the future working of this Committee before I can express a view as to whether from the point of view of India I can say confidently that I am satisfied—

**THE HON. PANDIT HIRDAY NATH KUNZRU :** What I want to know is whether the Government of India regard it as a good substitute for Regional Conferences.

**THE HON. MR. S. LALL :** No, Sir, certainly not. I was merely pointing out that the I. L. O. have a special committee for agriculture. I do not say that this is an adequate substitute for the Regional Conferences. Whilst recognising the difficulties of the I. L. O. I am quite alive to the fact that having regard to the scale of our contribution which, as my friends have already pointed out, is third in the world, having regard further to the punctuality with which we pay our contributions and also having regard to the fact that from the point of view of population we are a very important member of the I. L. O., I certainly agree that our interests do not receive the consideration that they deserve and there are many points in which we should press for greater consideration to India and to Asia. The points on which I think we have a case for serious consideration are, firstly, that we are given very little time to consider questions that come for decision of the Labour Conference. It is alright in the case of Europe and America where papers are received fairly soon. But when they come to India, they take a very long time and very often we have hardly been allowed any time to express our views. I think it is very necessary to impress upon the I. L. O. that we cannot go on at this rate. We must be given time to think over matters. As an instance I may say that this publication, which deals with the future amendments of the Constitution and the Report of the Conference Delegation on Constitutional questions was received by air mail only on the 3rd of this month and we have to express our views on this almost immediately to the I. L. O. and also to our representative on the Governing Body.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Will the Report be published and also sent to the principal Labour Organisations in the Country ?

**THE HON. MR. S. LALL :** The Report will be published and it will in due course be available to everybody. But the point is, it has just come out and this is the first copy which has come by air mail to us. We have to work on this single copy at very great speed and in very short time. That is my complaint.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Will the Government of India take immediate steps to have the Report published in this country and sent to the Labour Organisations and also to the Members of the Legislature ?

**THE HON. MR. S. LALL :** The Report will shortly be available to every one who may care to study it. This is only an advance copy that has come and we shall no doubt get many more copies. Not only the Government of India have but also the Director of the I. L. O. at Delhi will have share copies. But it takes time for these Reports to come. This is an air mail copy on which we have to work immediately.

The second point on which we should insist is that we must have better representation on the staff of the I. L. O. This is a point which was taken up before the War and it is a point which we will have to continue to take up. As my friends know, the I. L. O., are now recruiting two more officers from India and I understand that they are going to appoint an Indian as an Assistant Director. I agree that this is not enough and we must continue to press for better representation of Indians and Asiatics on the staff of the I. L. O. As regards the Governing Body itself I also feel that there is a very strong case for a better representation of Asiatics in general and also Indians.

Many Hon. Members have rightly pointed out that there should be a more detailed study of Asiatic problems and that a Regional Conference should have been convened in Asia in the same way as Regional Conferences were convened in America. The idea of an Asiatic Regional Conference was mooted some time ago and I am glad to say that an invitation was sent to the I. L. O. to hold a Regional Conference in India. I understand the matter is now under very active consideration and if all goes well, I hope that in 1947 we shall have one, or may be two Asiatic Regional Conferences. I feel that in addition to the Regional Conference, we require a Regional office in Asia. The I. L. O. was concentrated before this war in Geneva. After that, it has been split into two places, a small part remaining in Geneva and the major portion going to Montreal in Canada. If, as I think is likely, there will be two offices, one in America and one in Europe, I think it would be desirable for us to press that there should be a self contained office in Asia as well. In making this suggestion, I must at the same time acknowledge the fact that the I. L. O., have been trying to help us by loan of experts to mine our schemes. We had three members of the I. L. O. staff who came to India and who helped us to draw up our Health Insurance schemes. I can assure the House that these points will not be overlooked by Government and when the amendments are examined, these are the principles which will be borne in mind in putting our case to the I. L. O. I can also undertake on behalf of Government to keep the House informed of developments and to send a copy of the debates of this House to the I. L. O., so that they can know what the feelings are in India. In the circumstances it is clear that it will be impossible for me to oppose the amendment. But at the same time I must point out that the amendment, though it raises a very important question of policy and principle, and though it will be very useful for future guidance, is not directly relevant to the amendments which are now under consideration. The exact amendment of the constitution will require examination and the amendment suggested by my Hon. friend may require reconsideration.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** You say that the actual amendment might require reconsideration. In what respect would it require reconsideration ?

**THE HON. MR. S. LALL :** I do not wish to go into the details. The actual amendment says that on the Governing Body the reservation will be 6 seats for the Government group. In the Governing Body, India and China are two of the eight States of chief industrial importance and therefore they have a right to a

permanent seat on the Governing Body. Therefore that leaves 4 more seats on the Governing Body. The only other 4 Asiatic countries on the I. L. O., excluding Turkey are Iran, Iraq, Thailand and Afghanistan. If the amendment is accepted, it will mean that Iran, Iraq, Thailand and Afghanistan will have the same position as states of chief industrial importance. They will have the right to permanent seats on the Governing Body, because there are no more Asiatic countries which are members of the I. L. O. It is a position which may not be accepted at the Conference. On the other hand, there may be some other way of securing effective representation for Asia. For that reason I do not wish to commit Government to any particular amendment. The point requires very careful examination. But the principle is accepted and that principle will be borne in mind when we make our recommendations to the Governing Body and to the Conference.

**THE HON. THE PRESIDENT :** You must tell me definitely whether you are going to accept the amendment or not. It is no use saying you are not going to oppose it. You must make up your mind whether you are going to accept the amendment or not.

**THE HON. MR. S. LALL :** My position is very difficult. If the amendment were suitably modified towards the end to give adequate representation to Asia, I will accept it without reservation. If complete acceptance is required, I would substitute for the words "6 seats in the Government group, 2 seats in the employer's group and 2 seats in the workers' group to Asiatics" the words "an adequate number of seats to Asiatics." There must be adequate number of seats in all categories and that has to be worked out on a fair basis. It is very difficult to accept any particular figures as to the number of seats to be reserved.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** What would be the test of adequacy? Are you going to press for more?

**THE HON. MR. S. LALL :** Certainly, Sir, for the maximum number we can get.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Are you going to press for more than 10 members?

**THE HON. MR. S. LALL :** It may be that we may have to press for more in the employer's and workers' groups. It is a matter of negotiation, and I would request my friend not to tie me down to any particular figures, because in negotiations you do not know what you can get; and if you put down any definite figures, it may create an impression that we are asking for something which is impossible.

**THE HON. THE PRESIDENT :** I think your object would be served if you say "an adequate number of seats to Asiatics."

**THE HON. PANDIT HIRDAY NATH KUNZRU :** I do not want to fetter absolutely the discretion of the Government of India in dealing with this matter by suggesting the form in which the representation should be secured; but the word "adequate" suggested by my Hon. friend Mr. Lall seems to me to be utterly unsatisfactory.

**THE HON. MR. S. LALL :** Will you suggest some other wording without mentioning a definite figure?

**THE HON. PANDIT HIRDAY NATH KUNZRU :** I would suggest this, if the amended Resolution is acceptable to the Government, that much more substantial representation should be secured for Asia on the Governing Body than has been allotted to her at present.

**THE HON. MR. S. LALL :** I am prepared to accept that gladly.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** This amendment will bring out my meaning and at the same time satisfy Mr. Lall: "the Government of India should urge the International Labour Organisation to safeguard the interests of Asia by securing a larger proportion of seats for India and the other Asiatic countries on the Governing Body than is allotted to them at present."

**THE HON. MR. S. LALL :** I accept that.



**THE HON. THE PRESIDENT :** I will put the original Motion and the amendment to the House.

Amended Resolution moved :—

“This Council recommends to the Governor General in Council that the Instrument for the Amendment of the Constitution of the International Labour Organisation as adopted at the 27th Session of the International Labour Conference held at Paris in October 1945, be ratified by the Government of India and that in the further constitutional reforms of the International Labour Organisation now being considered, the Government of India should urge the International Labour Organisation to safeguard the interests of Asia by securing a larger proportion of seats for India and the other Asiatic countries on the Governing Body than is allotted to them at present.”

Question put and Motion adopted.

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### HINDU MARRIED WOMEN'S RIGHT TO SEPARATE RESIDENCE AND MAINTENANCE BILL

**THE HON. PANDIT HIRDAY NATH KUNZRU** (United Provinces Northern : Non-Muhammadan) : It is already 25 minutes to five, Sir. I suggest that we take up this Bill tomorrow or some other day.

**THE HON. THE PRESIDENT :** What is the Council's desire ? Do they wish to proceed with this Bill or we stop at this stage and take up this Bill and the Mica Bill on some other day ?

**THE HON. MR. V. V. KALIKAR** (Central Provinces : General) : It is a very controversial Bill, Sir, and we shall take a lot of time. We had better postpone it to some other day.

**THE HON. THE PRESIDENT :** You may take a lot of time but you must know that these are the last days of the session.

**THE HON. MR. M. THIRUMALA ROW** (Madras : Non-Muhammadan) : As the Bill has been lying on the table for a very long time we suggest that the Bill be proceeded with immediately. The Bill may be moved and we proceed with it.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Could the Leader of the House kindly allot a day for discussion of this Bill and could he give us tomorrow, the 16th, for the purpose ?

**THE HON. SIR MAHOMED USMAN** (Leader of the House) : Tomorrow or the day after.

**THE HON. PANDIT HIRDAY NATH KUNZRU :** Tomorrow, I think, will be better.

**THE HON. THE PRESIDENT :** Then I will adjourn the Council till tomorrow.

**THE HON. SIR DAVID DEVADOSS** (Nominated Non-Official) : May I ask whether there will be a meeting after the 18th ?

**THE HON. THE PRESIDENT :** We have to discuss this Bill and the Mica Bill which was laid on the table today.

**THE HON. MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan) : Will the 18th be the last day of the Council ?

**THE HON. SIR MAHOMED USMAN :** Tomorrow we proceed with this Bill and we shall again adjourn till the 18th, when we hope to finish.

**THE HON. SIR DAVID DEVADOSS :** Will the 18th be the last day ? That is all we want to know.

**THE HON. SIR MAHOMED USMAN :** As far as I can see at present, the 18th will be the last day.

**THE HON. MR. SURPUT SINGH** (West Bengal : Non-Muhammadan) : Sir, I have been fasting and tomorrow I will have to perform my *puja*. I shall be grateful if you will kindly postpone a discussion of this Bill till the day after tomorrow.

THE HON. THE PRESIDENT: But I must look to the general convenience of the House.

THE HON. MR. V. V. KALIKAR: The 17th will be better.

THE HON. THE PRESIDENT (to the Hon. (Pandit Kunzru): Do you want to have a discussion tomorrow or on the 17th?

THE HON. PANDIT HIRDAY NATH KUNZRU: If my Hon. friend Mr. Surput Singh can come some time tomorrow we will finish the discussion of the Bill tomorrow.

THE HON. MR. SURPUT SINGH: I have been fasting for nine days. Tomorrow is the last day. If you all agree, we take up this Bill day after tomorrow.

THE HON. PANDIT HIRDAY NATH KUNZRU: I agree to the postponement till the 17th.

THE HON. THE PRESIDENT: As the general opinion of the House is that we should take up this Bill day after tomorrow, I will adjourn the Council till the 17th. Has the Leader of the House any objection?

THE HON. SIR MAHOMED USMAN: I have no objection, Sir.

The Council then adjourned till Eleven of the Clock on Wednesday, the 17th April, 1946.