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LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume III

(21st March to 12th April, 1929)

FOURTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1929



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LEGISLATIVE ASSEMBLY.

Thursday, 21st March, 1929.

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

MEMBER SWORN:

Mr. Philip Graham Rogers, C.I.E., M.L.A. (Director General of Posts and Telegraphs).

SHORT NOTICE QUESTION AND ANSWER.

HOUSE SEARCHES AND ARRESTS IN DIFFERENT PARTS OF INDIA.

Pandit Motilal Nehru: Is it true, as stated in the Press, that numerous house searches and arrests have taken place in different parts of India in pursuance of orders of the Government of India, and of Local Governments? If so, will Government give the House full particulars, including the names of the persons arrested, the places searched, the offence or offences for which those arrested are to be tried, and the dates when, and the places where, the offences are alleged to have been committed, the date or dates on which sanction was accorded for these prosecutions by the Government?

What is the policy underlying the action of the Government of India in sanctioning these wholesale arrests and house searches at this particular time?

Is that policy directed against the activities of persons and organisations who carry on propaganda against the present system of Government?

Has the Government any particular organisation or organisations in view; if so, which?

The Honourable Mr. J. Orerar: Sir, under the authority of the Governor General in Council, complaint has been laid against 31 persons from various parts of India, on a charge of conspiring to deprive the King of the sovereignty of British India. The complaint was laid in the court of the District Magistrate of Meerut, and the court, in the ordinary course of law, under the Criminal Procedure Code, issued processes. In pursuance of these processes, house searches and arrests have taken place in different parts of India. With regard to these, I am unable at present

to give full particulars, as I am not yet in possession of complete information. The complaint, with the names of the persons against whom warrants have been issued, is as follows:

COMPLAINT.

King-Emperor

versus

1. Philip Spratt,
2. Benjamin Francis Bradley,
3. Ajodhya Prasad,
4. Shaukat Usmani,
5. Purnan Chand Joshi,
6. Gauri Shanker,
7. L. R. Kadam,
8. Dr. V. N. Mukharji,
9. Ch. Dharamvir Singh,
10. Dharani Goswami,
11. Shib Nath Banarji,
12. Muzaffar Ahmed,
13. Gopal Basak,
14. Shamsul Huda,
15. Kishori Lal Ghosh,
16. Gopendra Chakravarty,
17. Radha Raman Mittra,
18. Sripad Amrit Dange,
19. Sachhidanand Vishnu Ghate,
20. S. H. Jhabwalla,
21. Dhondi Raj Thengdi,
22. Keshav Nilkant Joglekar,
23. Shantaram Savalram Mirajkar,
24. Raghunath Shivram Nimbkar,
25. Gangadhar Moreshwar Adhikari,
26. Motiram Gajanan Desai,
27. Arjun Atmaram Alve,
28. Gobind Ramchandra Kasse,
29. Sohan Singh Josh,
30. M. A. Majid *alias* Abdul Majid,
31. Kedar Nath Sehgal.

is complaint of Mr. R. A. Horton, Officer on special duty under the Director, Intelligence Bureau, Home Department, Government of India, to wit:

1. That there exists in Russia an organisation called the Communist International. The aim of this organisation is, by the creation of armed revolution, to overthrow all the existing forms of Government throughout

the world and to replace them by Soviet Republics subordinate to, and controlled by, the Central Soviet Administration in Moscow.

2. That the said Communist International carries on its work and propaganda through various committees, branches and organisations, controlled by, and subject to, itself, *e.g.*, the Executive Committee of the Communist International, and various sub-committees of the same, including a sub-committee concerned with Eastern and Colonial affairs (Colonial Bureau), the Communist Party of Great Britain, which is a section of the Communist International; the Red International of Labour Unions, the Pan Pacific Trade Union Secretariat, the League against Imperialism, the Young Communist League and various other bodies.

3. The ultimate objective of the said Communist International is the complete paralysis and overthrow of existing Governments in every country (including India) by means of a general strike and armed uprising. It has outlined a programme, or plan of campaign, which should be followed for the achievement of this ultimate objective. Among the methods so ordained are:

- (a) the incitement of antagonism between capital and labour;
- (b) the creation of Workers' and Peasants' Parties, Youth Leagues, Unions, etc., ostensibly for the benefit of the members thereof, but in fact for the purpose of propaganda, the domination of such parties by Communists pledged to support the aims of the Communist International, and the unification of such bodies under one control subservient to the Communist International;
- (c) the introduction of fractions or nuclei of such Communists, with illegal objects as aforesaid, into existing Trade Unions, Nationalist bodies and political and other organisations, with the object of capturing the same or obtaining their support in the interests of the Communist International;
- (d) the encouragement of strikes, *hartals* and agitation;
- (e) propaganda by speeches, literature, newspapers, the celebration of anniversaries connected with the Russian revolution, etc., etc.;
- (f) the utilisation and encouragement of any movements hostile to the Government.

4. That in the year 1921 the said Communist International determined to establish a branch organisation in British India, and the accused Sripad Amrit Dange, Shaukat Usmani and Muzaffar Ahmed entered into a conspiracy with certain other persons to establish such branch organisations with a view to deprive the King-Emperor of his sovereignty of British India.

5. That thereafter various persons, including the accused Phillip Spratt and Benjamin Francis Bradley, were sent to India by the Communist International, through the medium of one of its branches or organisations, and with the object of furthering the aims of the Communist International.

6. That the accused named in this complaint reside at different centres throughout British India. They have conspired with each other, and with other persons known or unknown within or without British India, to deprive the King-Emperor of the sovereignty of British India, and for such purpose to use the methods and carry out the programme and plan of campaign outlined and ordained by the Communist International, and in fact they used such methods and carried out such plan of campaign with the assistance of, and financial support from, the Communist International.

7. That the accused have met and conspired together, as aforesaid, at various places within and without British India, and amongst others at Meerut, and in pursuance of such conspiracy as aforesaid, the accused formed a Workers' and Peasants' Party at Meerut and there held a conference thereof.

8. That the above named accused have committed an offence under section 121-A of the Indian Penal Code and within the jurisdiction of the Court.

It is therefore prayed that the Court will inquire into the above named complaint.

As above stated, Sir, the complaint has been laid on a charge of conspiracy under section 121-A of the Indian Penal Code in respect of which the case for the prosecution will be, that acts have been committed falling within the terms of the section quoted, at various places and at various times, extending over a period of several years. Owing to the comprehensive nature of the case, I am unable to give specific dates and places. Sanction for the prosecution was given on the 14th March and the complaint was laid on the 15th. As the case is now *sub judice*, I am at this stage unable to give further particulars which might prejudice the merits of the case. Warrants of arrest have been issued only against persons in whose case Government are advised that there is strong *prima facie* evidence, but search warrants have been issued in cases where there are good grounds for believing that important evidence in connection with the case might be recovered.

The policy of Government in this case is to bring before the courts under the ordinary law a conspiracy which, in their view, is an infringement of the ordinary law of the land, and is an attempt to carry out in India the programme of the Communist International. It is not directed against the propaganda or activities of any persons or organisations, except those which are believed to have taken an active part in this particular conspiracy.

Mr. K. Ahmed: Will Government be pleased to state how the supply of money comes to the people who are conspiring against the Government and waging war against the King, where and how the money comes from?

The Honourable Mr. J. Crerar: That is a matter for consideration when the case comes up before the Court for trial.

Mr. K. Ahmed: Do Government propose to write a letter to Mr. Horton or to the special officer who, my Honourable friend stated, is in charge of these cases, to make inquiries and take sufficient steps to put

a stop to the supply of funds, so that these people may not take the matter any further?

The Honourable Sir Brojendra Mitter: Sir, the instructions for inquiries which the Honourable Member desires the Government to give to the special officer in charge have been given already and materials which have been collected will all be placed before the court for the court's adjudication.

Diwan Chaman Lall: Will the Honourable Member give us the names of the house or houses where the searches have been made?

The Honourable Mr. J. Crerar: I have already explained that in my reply, and I am not yet in a position to give more details.

Mr. K. Ahmed: Is it a fact, Sir, that the majority of the 31 persons who have been arrested are agriculturists or persons who have previously taken an interest in the amelioration of the condition of the poor agriculturists of this country?

The Honourable Mr. J. Crerar: I don't think that arises, Sir.

Pandit Motilal Nehru: May I ask, Sir, if these persons who have been arrested—I mean all the accused arrested or not yet arrested—do they belong to any one organisation, or do they belong to different organisations in India?

The Honourable Mr. J. Crerar: I cannot reply to questions of that kind, Sir, which relate to details which will necessarily come before the court in the ordinary process of a judicial trial.

Pandit Motilal Nehru: I simply want to know what the case of the Government is. I want to know if all those who are conspiring against the King belong to a definite organisation for that purpose?

The Honourable Mr. J. Crerar: That is a matter for the court in the usual course to adjudicate.

Pandit Motilal Nehru: But what is your case?

Mr. S. Srinivasa Iyengar: Is it the view of the Government that the Youth League and the Peasants' and Workers' Organisations are conspiracies within the meaning of section 121-A?

The Honourable Sir Brojendra Mitter: Not necessarily.

Mr. K. C. Neogy: In view of the fact that it is possible to proceed against British Communists under the existing provisions of the law, is it the intention of the Government to drop the Public Safety Bill?

The Honourable Sir Brojendra Mitter: No, Sir.

Mr. K. C. Neogy: Why not?

The Honourable Mr. J. Crerar: Because, Sir, as I have already explained in this House, the object of that Bill is essentially and primarily precautionary and preventive and not punitive.

Mr. Ram Narayan Singh: Sir, do the Government consider that only these arrests and imprisonments will make them safe?

The Honourable Mr. J. Crerar: I cannot catch the Honourable Member.

Mr. Ram Narayan Singh: May I repeat the question, Sir?

Mr. President: It is no use of repeating it.

Mr. Ram Narayan Singh: The Honourable Member has not heard it.

Mr. President: I have heard it, and it is not in order.

Mr. Siddheswar Prasad Sinha: Is it a fact, Sir, that a typewriter was seized in one of the searches in Bombay, and if so, will the Honourable Member state if that typewriter was in any way concerned with any revolution or conspiracy and how it conspired?

The Honourable Mr. J. Crerar: I do not quite hear.

Mr. Jamnadas M. Mehta: Was a typewriter seized in Bombay?

The Honourable Mr. J. Crerar: I have no information on that point.

Diwan Chaman Lall: May I ask the Honourable Member why Meerut was chosen as the centre?

The Honourable Mr. J. Crerar: Because, Sir, the case having been instituted by direction of the Government of India it is centrally situated and it is one of the places connected with the activities of the alleged conspiracy.

Diwan Chaman Lall: Is it a part of the case of the Government that the activities of the accused can be circumscribed to any particular place in this manner?

The Honourable Sir Brojendra Mitter: That question is one which the Court will consider if the plea is taken that a particular accused does not come within the jurisdiction of that Court.

Mr. Lalchand Navalrai: Did I correctly understand the Honourable Member to say that there are certain committees in Sind connected with Communism?

The Honourable Sir Brojendra Mitter: I do not know, Sir, but the question whether the activities of any person may or may not be so connected, is again one for investigation and adjudication by the Court.

Mr. Ram Narayan Singh: Sir, are the Government aware that this step, taken by the Government, is sure to endanger their existence?

The Honourable Sir Brojendra Mitter: This is an ordinary case of infringement of the ordinary law of the land, and the alleged offenders have been brought for trial before a proper tribunal.

Mr. M. S. Aney: Does not the Government know from the telegrams that most of the premises that were subjected to search, were those of the Workers' and Peasants' Unions and Youth Leagues?

The Honourable Mr. J. Crerar: As I have already explained, I have no details as to what particular premises have been searched.

Diwan Chaman Lall: Will the Honourable Member kindly inform the House as to the number of arrested persons who belong to the executive council of the All-India Trade Union Congress?

The Honourable Mr. J. Crerar: I think I must ask the Honourable Member for notice of that question.

Mr. Amar Nath Dutt: Will the Honourable Member be pleased to state whether the Judges and Magistrates before whom these cases are likely to come for trial have received any gentle hint from the Government how to deal with these cases?

Mr. President: Order, order.

Pandit Motilal Nehru: May I expect, Sir, that the Honourable the Home Member will put a list of the premises searched on the table as soon as he gets the information?

The Honourable Mr. J. Crerar: I may be able to convey that information to my Honourable friend as soon as I become in full possession of it.

MOTION FOR ADJOURNMENT.

RAIDS AND ARRESTS IN SEVERAL PARTS OF INDIA.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): I beg leave, Sir, to move the adjournment of the House on a definite matter of urgent public importance, namely, the policy of, and the action taken by, the Governor General in Council in sanctioning and taking steps for the wholesale raids and arrests in several parts of India simultaneously yesterday of public workers belonging to labour and peasant organisations, youth leagues and other lawful associations.

I beg the House, Sir, to give me leave to move the adjournment of the House.

The Honourable Sir Brojendra Mitter (Law Member): On a point of order, Sir. I submit that this motion for adjournment should not be allowed. Sir, the rules are 11 and 12. The objection is based on sub-rule (v) of rule 12, which shows that the right to move an adjournment should be subject to the following restrictions, namely,—I go on to the fifth:

"(v) the motion must not deal with a matter on which a resolution could not be moved."

Now, as regards Resolutions, look at rule 23 (page 85):

"Every resolution shall be in the form, etc., etc., and no resolution shall be moved in regard to any of the following subjects, namely:—"

I take (iii):

"any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions."

[Sir Brojendra Mitter.]

Sir, this must be a definite matter of urgent public importance under rule 11:

"A motion for an adjournment of the business of either Chamber for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President."

Now, the definite matter is stated in the notice as "the policy and action by the Governor General in Council in sanctioning and taking steps for the wholesale prosecutions and arrests in several parts of India, etc."

Pandit Motilal Nehru: That has been corrected. It is "raids", not "prosecutions".

The Honourable Mr. J. Crerar (Home Member): May I ascertain, Sir, what the precise wording of the motion is in that context?

Pandit Motilal Nehru: May I read the motion again, Sir?

"To move the adjournment of the House on a definite matter of urgent public importance, namely, the policy of, and action taken by, the Governor General in Council in sanctioning and taking steps for wholesale raids and arrests in several parts of India simultaneously yesterday, etc., etc."

The Honourable Sir Brojendra Mitter: I was submitting to you, Sir, that the definite matter really is the action of the Governor General in Council in sanctioning and taking steps for wholesale raids and arrests. Although it is coupled with the word "policy" that does not take away the real character of the motion, which is to discuss the definite matter of these raids and arrests. By "raids" I presume the Honourable Pandit means the house searches. That is a matter which is now *sub judice*. It is a matter which is under adjudication by a Court of Law. As you have heard, Sir, from the answer which the Honourable the Home Member has just now given, a complaint was lodged before a competent Court. The competent Court took cognizance of the case and issued processes. Therefore whatever has been done by way of house searches or arrests has been done under the authority of a competent Court of Law which is in seisin of the case; and therefore my submission is that the motion infringes sub-rule (iii) of rule 23. Sir, I may draw your attention to the practice in the House of Commons, where the rule is practically the same—I am quoting from May's "Parliamentary Practice"—page 248—motions have been ruled out of order when it appeared that there had not been any departure from the ordinary administration of the law. From the answer of the Honourable the Home Member you have heard, Sir, that the ordinary processes of the law have not been departed from. There has been no such departure, and therefore I submit this motion should be ruled out of order.

Pandit Motilal Nehru: Sir, I submit that the objection taken by my Honourable friend, the Law Member, has no substance at all. It is true that any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions is not to be included in a motion of this character; but my motion relates, not to anything that is now, or can ever be, the subject of adjudication by a Court of Law having jurisdiction. As the language of the motion shows, it is the policy of, and the action taken by, the Governor General in Council in sanctioning and taking steps for wholesale raids and arrests that it is concerned with. Now this, Sir, has nothing whatever to do with the merits of any particular case. Everyone of these people who has

been arrested might be guilty or might be innocent. I do not take exception to the issuing of warrants against these people or issuing search warrants for the searching of places which have been searched. What I am asking, what I am moving the adjournment of the House for is on a different matter, *viz.*, that the policy which prompted the action that has been taken in a particular Court of Law and the principle upon which that policy is based. You will be pleased to observe, Sir, that here is a case which is not on the face of it an ordinary prosecution for a crime undertaken in the ordinary way. This is a case in which the Government have deliberately adopted a policy in proceeding against a number of persons in different parts of India in a most theatrical and dramatic way. Warrants are taken out against a number of people on general allegations. Of course I do not enter into the question whether those allegations are right or wrong. What I say is, it must have been in pursuance of some policy, otherwise one would naturally expect that as cases of this character came to light they would be proceeded with from time to time in various districts or places where they come to light in the usual way. What you find here is that action is taken which, if I may be permitted to use the word, savours more of frightfulness than of an ordinary legal proceeding initiated by the Government. It, on the very face of it, seems to be intended to strike the imagination, or rather to stagger the imagination. . . .

Mr. President: The Honourable Member is now going into the merits of the motion.

Pandit Motilal Nehru: Yes, Sir, just to explain, and only so far as is necessary to explain what is the nature of the motion. It has nothing whatever to do with any evidence or other material which has been placed before the Court or with the guilt or innocence of any of the persons concerned. All that we want to know from the Government in the discussion on this motion is its general policy in regard to political organisations in the circumstances preceding the action taken in Court. I therefore submit, Sir, that it is not open to the objection raised by my Honourable friend opposite.

The Honourable Mr. J. Crerar: Sir, I should like to make one or two observations on what has fallen from the Honourable and learned Pandit. If I understood him correctly, he took two points. The first was that the subject which he proposed that the House should be called upon to discuss was the policy of Government. It is also the action of the Government—both the policy and the action of the Government—but in relation to certain specific acts of a judicial character and by a judicial authority which have flowed from it. Now, Sir, even if the Honourable Pandit could confine the matter, as I deny that he can, to a general question of policy, it is perfectly clear that the action which has been taken in pursuance of that policy, *viz.*, the laying of a complaint is now *sub judice* and the policy and action of Government could not be justified without entering into matters which must necessarily be the issues in a Court of Law. That, Sir, is my reply to the Honourable Pandit's first point. The second was that there was something extraordinary about the action of the Government, something, as I understood him to indicate, outside the scope of the general criminal law.

[Mr. J. Crerar.]

On that point I must join issue with the Honourable Pandit. The action taken and the processes issued by a competent Court are undoubtedly in pursuance of the ordinary law of the land . . .

Pandit Motilal Nehru: I am not questioning that.

The Honourable Mr. J. Crerar: That there may be something exceptional about the circumstances I am prepared to admit, because I trust that the existence of a conspiracy of this character is exceptional—exceptional in that sense only—but not exceptional in relation either to the state of the law in the matter, to the procedure which has been taken, and to the necessity of avoiding any prejudice to a matter which is now under the adjudication of a competent tribunal.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadian Urban): Mr. President, I submit that the matter of the motion does not come within clause (3)—“any matter which is under the adjudication of a Court of Law”—for three reasons. In the first place, the question which is sought to be raised by the motion is the wisdom or the unwisdom, the expediency or the in expediency of the Government in sanctioning a number of prosecutions under section 121-A. Now, Sir, the Court has nothing to do with the wisdom or the unwisdom, the expediency or the in expediency of the sanctions which have been so given by the Government. All that the Court can do is to decide upon the facts proved, upon the complaint, upon the evidence let in on one side and on the other, and to see whether certain persons who are accused are guilty of a particular conspiracy which is alleged against them. That is all that the Court has to decide. Of course it can decide whether the sanction was in proper form and whether it complied with the requirements of any particular Statute, the Criminal Procedure Code or any other, but it cannot decide any question as to the wisdom or the unwisdom, the statesmanship or the lack of statesmanship, the expediency or the in expediency, the propriety or the impropriety of the action of the Government, and whether their motives are merely political, in order to stifle the political advancement of the country—these things the Court has nothing to do with. Therefore, Sir, these are the things that are sought to be raised by the motion which my Honourable friend wants to raise . . .

Mr. K. Ahmed (Rajshahi Division: Muhammadian Rural): But they will prejudice the Court.

Mr. S. Srinivasa Iyengar: No discussion on the question of the propriety, the wisdom or the expediency of the sanctions given by the Government will have the slightest prejudice on the accused or on their defence or on the prosecution in the Court. In fact we have not got to go into the evidence at all. What we have got to argue about here is more as to the expediency, from one point of view or the other, of the action taken, having regard to the particular circumstances just now. It is the 14th March which has been chosen for the purposes of sanction . . .

Mr. K. Ahmed: Because it was an auspicious day.

Mr. S. Srinivasa Iyengar: Thereby hangs a tale, but I will not go into the merits of this motion now.

The second point, I submit, which takes it out of this clause is this: a grave situation is created—a political situation of a very formidable character is created by this policy, and it is usual in this House to discuss the situations when created, even though those situations are caused by the Government having reference to the ordinary laws of the land.

Lastly, I submit, Sir, in my judgment, there is no matter of any kind now under adjudication at all. All that has happened is certain arrests and raids have been made. You do not say that a matter is under adjudication till the accused are brought up and remanded and the Court has commenced the inquiry. No such thing has happened here. A mere lodging of complaints and the issuing of arrests do not bring any matter under adjudication. It may be that, if the motion is to be made tomorrow or the day after, and these accused persons had been brought up before the Court and the inquiry has begun—it may be otherwise as to the merits of the cases, I do not say it will be—but I say, as things now stand, it is clear that there is no matter, not even the guilt of the accused, under adjudication whatever. What is the Court now adjudicating on? There is nothing whatever that is under definite adjudication now. The complaint may be proceeded with or it may not be proceeded with; we do not know. Arrests have been made; therefore technically inquiries have not begun in Court, even the guilt of the accused is not a matter under adjudication at all. I repeat, the situation created and the policy of the Government in giving the sanction, are questions not concerning these particular individuals, but involve far-reaching consequences and have wider implications and raise questions of a grave constitutional character, and of a grave political character, at the present moment, having regard to all the surrounding circumstances which it is not within my object now to mention at this stage, till leave is given. Therefore, I submit, for all these reasons the motion is entirely in order.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I should have thought that the Government would welcome the motion for adjournment which has been moved by my friend, Pandit Motilal Nehru. Nobody can deny that the action taken by the Government has a policy behind it, and that that policy cannot be, in the very nature of things, a matter for adjudication by a Court of Justice. The Court will deal with the particular facts and individual persons. If they have infringed the law, they will be liable to punishment; if they have not, they will be discharged; but the Court will not be expected to listen to any argument regarding the policy which undoubtedly lies behind the action which has been taken by the Government. Therefore, Sir, I submit that this is the only occasion on which the Assembly can help the Government and serve the public by inviting a discussion of the policy which lies behind the action of the Government. That policy is of a far-reaching character. The number of arrests is large and there is no knowing to what extent this number will be added to. It affects the cases of many persons; they are all our fellow-subjects and fellow-men. If they have erred, if they have joined a conspiracy to bring about by armed rebellion, the subversion of the sovereignty of the King-Emperor, they will certainly have to answer for it before a Court of Law. But

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from the statement made by the Honourable the Home Member, it is difficult to say, at this moment, without further discussion, that this policy of wholesale arrests is the right policy; all that is sought by this motion is an opportunity to discuss the policy; we are not permitted on the motion which is now before you, Sir, to go into the merits of the cases, into the merits of the policy. I should like to have an opportunity to say that some of us feel, and to hear what the Honourable the Home Member—and it may be the Law Member and other Members of the Government—may have to tell us on the question of this policy. We are not yet committed to opposing that policy of Government if we understand it correctly, and if we find that it has a reasonable basis behind it. But we feel at present—at least I feel—alarmed at the fact that a number of persons belonging to a number of organisations which have never yet been known to the public to have any connection with the society, the object of which is to raise an armed rebellion to subvert the authority of the King-Emperor or of the Government, have been arrested. Now, Sir, these Societies include the Youth League. The question of what has led the Government to include the members of this organisation in the category of those who have joined a conspiracy is a question

The Honourable Mr. J. Orerar: May I interrupt the Honourable Pandit? I think if the Honourable Pandit will read the complaint when it is laid on the table, he will find that the Youth organisation, to which the complaint refers, is the Young Communist League.

Pandit Madan Mohan Malaviya: My Honourable friend, Sir, has supplied me with one stronger reason in support of my case. We want to have an opportunity of knowing a little more about these organisations which have been included, and against which the Government have decided to proceed. We may be able to obtain light and we may be able to throw some light upon some of the considerations which have determined this policy. One thing, however, is clear, Sir. This is the only opportunity when the policy of the Government can be discussed with any advantage to the Government and to the public. It is a matter which will cause a deep stir in the feelings of the public. The Government do not want that there should be a feeling created that their object is to create frightfulness in the minds of the youth of the country. Government want, I take it, to proceed against those individuals only, whatever their number,—I am not concerned with their number,—but I take it that they want to proceed only against those who have joined a society with the definite object of promoting, by armed rebellion, the subversion of the King's authority. If that is the object of Government, we should like to have an opportunity to discuss the policy which has prompted them to take the action they have taken in this matter, and all I ask the Government is that they should agree to this motion and not oppose it.

The Honourable Sir Brojendra Mitter: Sir, I want to

Mr. President: Does the Honourable Member wish to speak again?

The Honourable Sir Brojendra Mitter: I merely want to reply to the points which Mr. Iyengar raised

Mr. President: Then the Leader of the Opposition might say that he would like to reply to the Honourable the Law Member. I can not permit such a procedure.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I want say

Mr. President: Order, order. The Chair is not bound to give an opportunity to every Member to speak on a point of order.

I am satisfied that the matter proposed to be discussed is a finite matter of urgent public importance. It is not denied that the matter is of recent occurrence. What is contended is that the matter proposed to be discussed is *sub judice*. As I understand the Opposition benches, they propose to discuss the policy underlying this large number of raids and arrests, and not the merits of the cases that are to come before the Court of Law for adjudication. I am quite satisfied that the matter proposed to be discussed is not *sub judice*, but I am bound to say that if, during the discussion of the motion for adjournment in the afternoon, any attempt is made to discuss the merits of any of the cases that are proposed to be lodged, the Chair will take steps to see that such discussion is not permitted. I hope Honourable Members, when discussing this matter, will confine themselves strictly to the policy underlying these arrests and not refer to the merits of the cases that are to come before the Court. I rule that the motion is in order. (Applause from the Marajist Benches.)

I ask whether the Honourable Pandit has the leave of the Assembly to move the adjournment?

As no objection is taken, I intimate that leave is granted, and the motion will be taken up for discussion at 4 P.M.

THE INDIAN FINANCE BILL—contd.

Mr. President: The House will now proceed with the Indian Finance Bill.

The Honourable Sir George Schuster (Finance Member): Sir, I must ask Honourable Members to recall their minds to the debate which we had last evening. It was a very long debate and ranged over a wide field of subjects. I propose to take the arguments which were advanced on the other side seriously, because although I feel, Sir, that there was,—as I may say,—an element of obstruction at least in the length of some of the speeches, yet even that obstruction I must take as evidence of a serious intention. I do not propose to take the time of the House longer than is necessary, but at the same time there are certain points to which, I think, in justice to the Government, I must give a fairly full reply. The arguments to which we have listened might be classified under two headings,—specific criticisms of the Government's financial policy as the first heading, and as the second heading a general indictment of the policy of British rule in India. The line of action advocated might be also divided into two headings. In the first place, there are those who, while

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expressing criticisms of the policy of Government, or their objection to the present form of Government, yet recognise that, until a change can be introduced, the business of Government must be carried on and, therefore, having expressed their views, they are prepared to vote the Government the necessary funds with which to carry on its business. That, as my friend Mr. Fazal Ibrahim Rahimtulla has said, is the constructive line of criticism. I agree with my Honourable friend. There is another line of criticism put forward by those who, as I interpret it, wish to put every obstacle in the way of Government in its present form, regardless of the consequences to the country during the interval, until a change can be brought about.

Sir, I will deal first with some of those specific objections to which I have referred. I must go back to what seems a very distant past, when my friend Mr. Rangaswami Iyengar was speaking. He made, if I may say so, an entirely relevant contribution to the debate. He dealt seriously with a number of financial points. He referred to my threat, as he called it, of new taxation, and he told me that I must revise the expenditure side of the Government first. I entirely agree with my Honourable friend,—in fact I had already expressed my agreement with those sentiments. He proceeded to indicate to me certain ways in which retrenchment was possible, and directed particular attention to what he described as the exaggerated provision which is now made for the reduction and avoidance of debt. As I have already informed this House, the question of making that provision, and the terms in which it is to be made, is a question which has to come under review this year, and, as I have also already informed this House, I propose to take this House into my confidence in that review. Therefore, Sir, I do not think it is appropriate for me to say very much about it at present. But there is one point which I should like to make, because it is an illustration of the sort of inconsistency which exists in the criticisms which are levelled against the Government. We have been told, on the one hand, that a totally inadequate provision has been made for dealing with the liability on the Post Office Cash Certificates. It has been levelled as a charge against Government that a heavy liability has been allowed to accrue under that heading, and that the House should have been told of that liability, and that means should be found for meeting it. On the other hand, we are told that, because of the scale of provision which has been made for reduction and avoidance of general debt, an unwarranted burden is being put upon the taxpayer of today. I do suggest to Honourable Members opposite that the two charges to some extent offset each other, and that in advancing criticism of the Government, they should consider the budget as a whole. The next serious point dealt with by my Honourable friend was the question of Army expenditure, and, as that was touched on by several other Honourable Members, I must say a word or two about it. It seems to have been understood that the arrangement which I described to the House, by which a sum of Rs. 10 crores is to be provided for special non-recurring expenditure, not by an additional vote, but by economies to be made under various headings by the Army within the limit of Rs. 55 crores—it seems to have been supposed. I say, that the existence of that provision indicated that the financial control of the Army expenditure was to be relaxed in some way. That is a totally false supposition. Financial control will be maintained with all the

previous stringency; there is to be no relaxation under that heading. The sum and substance of the arrangement is this. If at the end of any particular year the balance between the amount required for the normal recurrent expenditure of the Army and the sum of Rs. 55 crores, which is provided in the budget, is not fully expended, because there has been some delay in executing the special programme of expenditure, that balance will not, as in the ordinary way, lapse, but it will be carried to a suspense account and be available for expenditure in the future years

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): On the Army and not on the other civil services.

The Honourable Sir George Schuster: For expenditure on the approved and authorised programme, a programme which, as I say, will be strictly controlled by the Finance Department.

Then, my Honourable friend referred to the very large railway reserves, and the large sum standing to the credit of the depreciation fund, and stated that the existence of these large balances might encourage us to hope that fresh taxation need not be raised. But, unfortunately, at that point I am brought into contact with the ways and means position, and as Honourable Members know well, those balances are only book balances; they have already been fully employed in capital expenditure on the railways. Therefore, I am afraid that that suggestion in practice will not be a very helpful one.

I would turn now to the remarks of my Honourable friend Sir Purshotamdas Thakurdas, to whom I must say I am grateful for his recognition of realities in not supporting the rejection of the Finance Bill. I should like to express my agreement with him in his emphasis on the importance of economic conditions and his deprecation of over-emphasis of political conditions. I think he also performed a very valuable service in providing a conspectus of provincial finances. That is a very relevant matter, because the finances of the Central Government are closely connected with the finances of the Provincial Governments, and as Honourable Members must realise, the whole question of the distribution of revenue and heads of revenue, as between the provinces and the Central Government, is a live issue, which must come up for consideration in the near future. My Honourable friend went on to deal with the general condition of the country, and he expressed a pessimistic view of that. He criticised the general policy—or rather the absence of any general policy—on the part of the Central Government. He said, in the first place, we ought to have more information as to the general economic condition of the country. I agree with him in the abstract, but when it comes to particular measures, I do not think it is reasonable to suggest that, in the present state of Government finances, a sum of Rs. 63 lakhs, which would be required according to the recommendations of the Economic Inquiry Committee, could be provided merely for the purpose of obtaining that sort of information. But I am willing to say to him that that is a matter into which I am quite prepared to inquire, and I think it is a reasonable request that we should take steps to provide as good as possible statistical information to enable the public to get a general view of the economic condition of the country. My Honourable friend, amongst other things in the policy of Government which he criticised, referred to the policy as regards alcoholic liquors. I think he suggested that, while we have been careful of the

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morals of China and have incurred a large sacrifice of revenue by restricting the exports of opium, we have not been so careful of the conditions in India, and that, in fact, we were earning an increasing revenue from the duty on alcoholic liquors, with the suggestion that the consumption of alcoholic liquors was increasing. I should like to correct that last assumption by giving the House certain figures. Taking the figures of liquor and drug shops in 1917-18 the total number of liquor shops was 54,805, and in 1926-27—which is the last year for which I have got any figures—the total number was 44,842, a decline of about 20 per cent. The drug shops too declined from 17,147 to 14,322. The figures for the consumption of alcoholic liquors also show a very remarkable decline. Taking the total consumption of alcoholic liquors and converting them into what are called London proof gallons, that is to say, giving an equivalent of alcoholic content for the various liquors, the figures are as follows:

1919-20	..	..	..	..	..	12,850,467
1926-27	..	..	..	..	..	7,563,777

That is to say, a decline of over 5 millions, or 40 per cent.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Can the Honourable Member oblige me by giving the figures of quantities without converting them into proof?

The Honourable Sir George Schuster: I should be very pleased to provide my Honourable friend with the figures of quantities. I have not got them with me here. I have got them in my office. But I can tell him that the quantities of every kind of alcoholic liquor have declined, except the quantities of imported beers, which show a slight increase. The figures that I have quoted, I think, give a more reliable basis of comparison than anything else.

Then I would turn to the remarks of my Honourable friend, U. Tok Kyi, who, advancing the point of view of Burma, which was supported in other quarters of the House, asked us to consider a reduction in the export duty on rice. That is a demand which I certainly view with sympathy. It was a very good point, and a point which he was quite entitled to make. But I would ask my Honourable friend to realise that, in the present state of the finances of the Central Government, it is hardly practical politics to consider that question, and that it is one of those questions which must come up when the general distribution of the heads of revenue between the Central Government and the provinces comes under review. In the meanwhile, as I indicated in an answer to a question put by the Honourable Member recently, Government are investigating the position with a view to discover whether the export duty on rice is really interfering with the trade in rice, whether it is a substantial factor in the economics of the situation.

My friend Mr. B. Das gave us some figures about Bihar and Orissa. That again raises questions of distribution of heads of revenue between the Central Government and the provinces. He also referred to the banking inquiry, but that is a matter which I shall deal with later.

I now turn to the speech of my Honourable friend Mr. Birla. He again gave a pessimistic view of the present state of industry. He levelled a charge against me, that I had no information to furnish to the House, to justify any optimistic view of the position, other than the figures of railway traffic and imports and exports. I have already said, in dealing with my friend Sir Purshotamdas Thakurdas' speech, that I am prepared to take steps to provide means for improving the picture that we can give of the economic situation, but, in the meanwhile, I would say that those figures, which I have given and relied on, are to some extent an indication of conditions, and I do not think that my Honourable friend supplied any other figures of a more convincing nature. He did give certain figures, and I have been at a loss to find where he got those figures from. He gave us, for example, a statement of the consumption of cloth per head in the country before the war, and he said that it was 18 yards, and that, since the war, and at present, it had dropped to 10 yards, ten square yards per head. The figures are really entirely different. The actual consumption in the year 1913-14 was 16.28 yards per head and in 1926-27 it was 16.4 yards per head, and in 1927-28 17 yards per head. Therefore it stands, for the last year for which we have any recorded figures, at a figure substantially higher than the last year before the war, and, if we take the five years average before the war, the figure of consumption was 14.16 yards per head and it is 17 yards today.

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): May I interrupt the Honourable Member? I am very thankful to him for providing all these figures. I might draw his attention to the pamphlet recently published under the auspices of the Bengal Chamber of Commerce under the title *Economic Milestones on the High Road to India's Prosperity* in which they say that it has been recently calculated that India's consumption of piece goods, which was 18 yards per head of population before the war, is now reduced to 10 yards. This is on page 15 of this pamphlet. I myself think there is a discrepancy between the figures which have been given in the Government publications and the figures given by the Bengal Chamber of Commerce, but I am quite sure that the Honourable Member would like to make investigations and find out what the discrepancy is due to.

The Honourable Sir George Schuster: I was quoting from an appendix to the Report of the Indian Tariff Board on the cotton textile industry inquiry. That Report gives figures up to the year 1925-26, and I have had compiled, on a similar basis, the figures for the years 1926-27 and 1927-28. I have no reason to doubt the accuracy of the figures procured by the Tariff Board, and I should like to have an opportunity to investigate the figures supplied by my Honourable friend. Sir, in connection with this question of cotton piece-goods, there is one other figure to which I should like to call attention, because it has a bearing on some of the arguments which we have heard in this debate to the effect that the policy in this country has been directed in the interests of British trade and contrary to the interests of India. The figures in this connection are very instructive. The total import of foreign piece-goods in the year 1899-1900 was about 2,200 million yards. In the year 1927-28 it was 1,900 million yards. At the same time the total production of piece-goods in India had increased from 1,300 million yards to 3,697 million yards. Therefore there has been an enormous increase in the home production, and a large decrease in the

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import of foreign goods. Sir, I think, one can say that, taking that very important industry, the direction of trade has been entirely in accordance with the views which my Honourable friend would support. Then, Sir, my Honourable friend suggested that, until the policy of deflation stops, there will be no chance of any improvement from other measures. I do not know, Sir, from where he gets his view that the Government is following a policy of deflation. It certainly has not been so since I have been connected with the finances of this country. Nor have I any evidence to show that deliberate deflation has been resorted to in recent years. I think that deals with most of the important questions on what I have described as specific criticisms of the Government's policy. There are other matters, but I think it will be unjustifiable for me to take up the time of the House any longer with these.

I will now turn to what I described as the general indictment of British policy in India. As regards the whole course of British policy over the 150 years of which we have records, I do not think that it will be appropriate for me to enter into any details now. That is a matter of history, and future generations will judge. What we are concerned with is the practical issue of how to carry on for the next year and the next few years. Now, on that point I should like to correct the impression which was given in speeches of Honourable Members as to my own view of the situation. It was apparently thought that I hold an extremely optimistic view of the position. I did say that I saw no reasons for forming a hasty judgment that matters were approaching a desperate situation as regards the industries of this country, but nothing that I said could justify the interpretation that I hold the view that we could now sit down in complacent satisfaction, feeling that there was nothing further for the Government to do. I took pains to express the view that I fully appreciated that the standard of living among the agricultural classes of this country was miserably low, and, so far as the Government can do anything in the matter, I certainly think that that should be one of the main lines of action which they should follow. My Honourable friend, Diwan Chaman Lall, suggested, I think, that, in days gone by, the Finance Members used to go about in disguise, *inognito*, in order to obtain reliable first hand information as to the situation. Nothing would give me greater pleasure than to be able to do that, if my Honourable friends will allow me time to get on with my work, and therefore to have spare time to travel about the country. But I don't think I shall choose my Honourable and learned friend to accompany me. I think I will choose someone who looks less prosperous and more like a son of the soil. (Cheers and Laughter.) But, Sir, whatever our wishes may be in this matter, the limitations on what Government can do are very great. The powers of Government generally are limited, and the powers of the Government of India are particularly limited owing to special difficulties.

My Honourable friend, the learned Pandit Motilal Nehru, who, I am sorry to see, is not here, referred us, in the course of his speech, to conditions in Czecho-Slovakia, and he drew the conclusion from the fact that a new country there had been able to establish self-government in a very short time from no beginnings at all, and carry on the business of Government successfully, that a similar thing could be done in India. I think it is an interesting argument and that there is much to be learned from what is happening in those countries, but I would say that there is a great deal

also to be learnt as to the differences that exist. Czecho-Slovakia is a small country, filled with educated people, with good roads and railways, containing within its borders all the coal mines and all the textile manufacturing works, which formerly served to supply the whole of the dual monarchy of Austria-Hungary. It is an exceptionally rich corner of the earth, and has exceptionally natural advantages. It is a comparatively easy problem to restore financial conditions, and to build up a system of government in a country like that. Honourable Members must realise that it is a different thing to deal with an enormous continent like India, with its vast distances, its 300 millions of people, many of whom are still in a primitive stage of civilization. Then there are special limitations for this Government in that we are only the Central Government, furnished with limited powers, and a great deal of criticism heard in the course of the debate is criticism which should more properly be directed against Provincial Governments. After all, agriculture is not only a provincial subject, but it is a transferred subject, a subject in which some measure of responsible government has been introduced, and although we can do much from the Central Government in giving a lead in a matter like agricultural research, as to which a start is going to be made, we cannot really, from the Central Government, control the direct development of agriculture. But, in spite of these difficulties, I quite agree that we must not sit down and do nothing. But there are two necessary conditions for success in any part that we can play. The first is money, about which I have already spoken, and the second I would say is co-operation. We do want the support of public opinion. Much has been said, in the course of the Honourable Members' speeches about conditions in the country. We have heard, for instance, a great deal about the miserable housing conditions in Bombay. I, Sir, welcome such criticism, and such expressions of opinion, if they are a genuine representation of public opinion, if they mean that public opinion is awakening to these things, and is ready to put pressure on Government to improve them. That is entirely a development in the right direction. But if they are merely expressions of criticism of the Government, and not intended for the amelioration of the conditions themselves, then one cannot view them with any such favour. The possibility of getting from an Assembly of this kind a genuine expression of public opinion is the possibility which gives value to the debates in this Chamber. Now, I am quite willing to accept that most of the speeches which we have heard from Honourable Members opposite did represent genuine, heartfelt expressions of public opinion. But if I am willing to give credit to Honourable Members for honesty in this matter, I trust they will give us, on these Benches, some corresponding credit. I am not sure that they always do so, and speaking from my own short experience here, I should like to deal with two special examples.

The first matter I have to refer to is this question of a banking inquiry. Now, Sir, if anyone ever, on the Government Benches, made a genuine effort to meet the popular demand for a measure which was considered to be necessary in the interests of this country, I made that effort in trying to start this banking inquiry. (Hear, hear.) I started it deliberately on lines which would enable me to say to all who were interested in the subject: "This is your show. I want you to suggest the way in which it should be done and give you as great a latitude in securing it as possible." Naturally, if I am to be responsible for the result, I must do something to see that the inquiry is properly directed, that is, directed to the right objective, and likely to obtain a useful result. The basis on which I sketched the lines of this

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inquiry was that we were to get, in the first place, a picture of local conditions and recommendations based on that picture, made by people who had first-hand knowledge of local conditions, but that, as the desire was to introduce something in the nature of new measures, it would be of the greatest value to supplement local knowledge and experience with practical experience of men who had knowledge of the development of banking systems in other countries which had attained a further stage of economic development. I cannot conceive any more reasonable idea. It was to be a blending of local knowledge with the wider experience which is not available in this country. But even that has been criticised from the opposite side. One must expect to get a certain amount of criticism. It is impossible to please everybody, but there seems to be something more than this underlying the general nature of the remarks which have been made on this question. I had attempted to get the feeling of this Assembly by consulting the Leaders of the various political parties. I know of no other means by which one could get at the feeling of the Assembly on matters of this kind. Yet I am now told that all these discussions have taken place without the knowledge of the Members on the back benches, and that if I imagined that I had got the feeling of the Assembly with me, I was very much mistaken. That is a very disheartening announcement to hear, and I say here and now, I am not prepared to go on with the banking inquiry unless I can get an assurance from the Leaders of the various Parties that I have got the feeling of the Assembly with me in this matter. (Hear, hear.)

An Honourable Member: You have got it from the National Party Leader.

The Honourable Sir George Schuster: I have, and I have accepted it with great gratitude. I would have liked to have said, at the opening of my remarks, that I recognised the speech of the Leader of the National Party as being a most valuable contribution to the debate, and I should like to express my gratitude to him for having restored the debate to the level of a common humanity from which at times it had shown signs of dropping.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): On a point of personal explanation, Sir. I think the Honourable Member is referring to the speech, I made in this House. I said, and made it perfectly clear when I interrupted Pandit Malaviya, that, if Government wanted the opinion of the Parties as such, the usual procedure was that they should write to the Secretary of the Party and the Party, after discussing the matter should submit their view. If they want the personal opinion of the Leaders, I have not the least objection. I did not impute any motive either to the Leaders or to the Honourable the Finance Member who asked the Leaders for their opinion. I was given the impression that the Leaders had discussed it, and I was asked pointedly whether I knew anything about it, and therefore I had to reply that the Party, as such, did not know anything about it.

Mr. President: Has the Honourable Member got confidence in his Leader or not? In a matter of this kind, unless Honourable Members are prepared to place confidence in their Leaders, things cannot get on.

Mr. Fazal Ibrahim Rahimtulla: We have confidence in our Leaders and I have full confidence in my Leader. The question is not, whether we have confidence in our Leaders or not, but it is the question as to what is the right procedure. If Government wished to obtain the opinion of the Party, the right procedure was to do it formally.

The Honourable Sir George Schuster: I am very glad to receive the explanation of my Honourable friend. If, from ignorance of the customs, I addressed, in the first place, the Leaders of parties instead of the Secretaries of the parties, the mistake is mine.

Mr. President: I share that blame with the Honourable Member.

The Honourable Sir George Schuster: Thank you, Sir, for recalling to the House that I consulted you about the procedure. But the point of substance remains and it is this. I say it in no aggressive spirit, but I wish to make my position perfectly clear that, in proceeding with this banking inquiry, I wished to do something which I understood was the general wish of the whole of this Assembly and of the general public which is interested in these matters, and that, unless I am satisfied that I am carrying the House with me, I do not propose to proceed with the inquiry. I have not the slightest doubt that the Leaders of the various Parties will be able to give me that assurance, but I do wish, as the question has been raised by several Members on the back benches—not only my Honourable friend, but four other Members have referred to the question—as that question has been raised. I do wish to make the issue perfectly clear. Sir, this is one instance that I would refer to.

The other instance that I would take is the question of civil aviation. Now, Sir, I think all the Members of the Standing Finance Committee will bear me out that, in discussing the Government's policy on civil aviation, when we have had before us the additional demand required for this year, no one could have taken greater pains than I did to satisfy the wishes of all Members present to ascertain what policy they stood for, and to give them the assurance that, whatever business was done, would be done in a way which would satisfy their idea as to what a proper policy should be. (Hear, hear.) I entirely agreed, in general principle, with the policy which was advocated most ably by my Honourable friend Mr. Haji. I entirely agreed with him that, whatever the Government did to encourage civil aviation in this country, they should take steps to see that, where a Government subsidy was given, it should not be used to establish what might be described as a foreign monopoly, in such a way that the chances of development of Indian aviation would be prejudiced. (Hear, hear.) It has been an extremely difficult thing to discuss before the Standing Finance Committee practical business arrangements when we have not entered into definite negotiations with any particular group, and when, because we were dealing with tenders which could not be disclosed, it was not possible to make clear to the Members of the Committee the exact terms on which arrangements could possibly be made. The Members of the Standing Finance Committee were ready to appreciate the situation, and they helped me very much in arriving at a definition of certain broad lines on which they were prepared to say they would approve the grant, and were prepared to say in advance that they would approve any expenditure undertaken on those lines. In spite of that, Sir, my Honourable friend Mr. Jamnadas Mehta referred to what he understood to be the arrangement,

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and I think I may say that he referred to it with some measure of criticism. His criticism was not at all bitter, but he seemed to be uncomfortable as to what was likely to be arranged. Now, Sir, the proceedings of the Standing Finance Committee have, as a matter of fact, been fully reported in a recent number of the *Pioneer*, so that everybody knows exactly what the minutes of the last meeting were. There is nothing further to be said on the matter, but the point again that I want to make clear is this. In the case of the banking inquiry, I seem to have consulted the Leaders of Parties and there seems to be some doubt as to whether I have carried the back benches party with me. In the case of civil aviation, I have, on the Standing Finance Committee, come into touch with Members from the back benches of the various parties, and there seems to be some doubt whether I have carried the Leaders with me. I submit that makes it very difficult for anybody on these Benches, who wishes to follow a policy in accordance with the public opinion which is represented in this Assembly, it makes it very difficult for him to know how to proceed, and I submit that a great deal of the criticism which is levelled against the Government that they do not take public opinion into account is unjustified, and judging from these two instances which have come within my own short experience, I think it is possible for Honourable Members to give us, on this side, much greater assistance than they do. Now, Sir, on this subject of civil aviation, I particularly expressed the wish to Honourable Members, who were interested in the matter, that they should endeavour to get time to discuss it in connection with the Demands for Grants. I think it would have been easy to arrange for time to discuss an important matter of public policy of this kind. I quite agree that it is reasonable that Leaders on the other side should wish to take the occasion of the Demands for Grants to bring up those political issues which they consider to be of dominating importance; but surely, Sir, it is possible to arrange that their discussions should be concluded in some shorter space of time than we have experienced, and, if Honourable Members are really interested in taking advantage of opportunities for debate in this Assembly for giving guidance to a Government which wants to help them, then I think, they can do, as I said just now, a great deal more to help these Benches than they do now.

Sir, as I said, in dealing with my Honourable friend, Pandit Madan Mohan Malaviya, I hope he will allow me to take him as representing that first view of dealing with the Government's proposals which I regard as the constructive view. At least, in his own speech—I do not know what action his Party is going to take—at least in his own speech, he seemed to me to be offering constructive help, and not passing merely destructive criticism of the Government.

I should now like to turn to those who represent that other view, the view of destructive criticism. Perhaps I might take, as a typical exponent of that view, my Honourable friend, Mr. Srinivasa Iyengar, who opened this debate. (Laughter.) He told us, in opening his speech, that he was a very pleasant man. (Laughter.) Sir, it was quite unnecessary to say that. It was obvious. But, under his very pleasant manner, I found it somewhat difficult to discover any pleasant matter. (Laughter.) Indeed I found it somewhat difficult to discover any matter at all; in the sense of

material which is relevant to the discussion of the Finance Bill. But he did represent that destructive view and there are two of his main points which I should like to deal with. The first point was the criticism of the small proportion of votable expenditure in the budget. I have already dealt with one subject in this connection, and I need not go over that argument again, but I do think that, however small the proportion of votable expenditure in the budget is, it contains a large number of subjects which are of great moment to this country,—to the every day life in this country, and Honourable Members have not taken the opportunity which they might have taken for discussing these subjects of great interest.

His second point was the unconstitutional action of the Government in restoring those grants which have been cut out by a majority of the Assembly. He said the Government was disregarding the will of the House, and that I myself did not know my duty. My duty was to advise the Governor General not to restore the cuts. Sir, we had a very entertaining speech from my Honourable friend the other day when we were discussing the provision of money for travelling allowance to the Executive Councillors. I understood the general tenor of his remarks to be, the keynote of what he said to be, "For heaven's sake let us get down to business; what is the use of talking, when you cannot deliver the goods. I have got no use for any sort of discussion which does not mean business". Well, Sir, what could be more unbusinesslike in my Honourable friend's proposals? Does he seriously propose that the whole of the existing organisation of Government should be scrapped without any substitute available to take its place? Surely, we on these Benches must carry on the business of the Government until some change is possible, and I say that, anybody who attempts to interfere with our conduct of this business, as long as we are responsible for the administration of this country, is guilty of an irresponsible and unbusinesslike action. (Applause.) My Honourable friend asked, "What does the Government intend"? Sir, I think it is a very simple question; it is very simple to explain what the Government intends, and what the Government is going to do. I would like to go back, Sir, to that debate to which my Honourable friend made his most valuable contribution. In that debate, Sir, we heard some differences of opinion. It was not my privilege to speak in the debate, but I did have the pleasure of listening to my Honourable colleague, Sir George Rainy, and I would like to say this; that I think the Honourable Pandit Madan Mohan Malaviya was perhaps slightly unfair to my Honourable colleague in his remarks yesterday when he said that he thought my colleague was attempting to score a cheap point about the differences that were disclosed during the course of that debate. Sir, I am sure that nothing was further from his intentions. Speaking for myself—and I am sure I speak for all the Members on these Benches—I listened to that debate with a certain feeling of embarrassment. I felt, if I may say so, rather like a stranger who happens to be present at a family quarrel. Now, Sir, families do quarrel, and any stranger with decent feelings is not happy when he is present at one of those quarrels. And the last thing that we want to do is to score a cheap point out of the fact that we had been present at the quarrel. I say, Sir—and again I am sure I am speaking for all my colleagues on these Benches—that we recognise that what we have before us belongs to a single family, and that the underlying unity is much greater than any differences which may appear on the surface. But, Sir, if we are prepared to take this view, there are two observations which I should like to make, arising out of that. In

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the first place, if we are prepared to look behind the differences which do exist between individual leaders on the other side and say "These are matters only on the surface, and underneath it all there is real unity of feeling in the demand for a true form of responsible Government"—if we are prepared to say that to you, I think you ought to be prepared to do the same thing to us. What I mean by this is, that you ought not to select the utterances of any particular public man in England and say to us, "You don't mean business". You ought to realise, and I say it with the greatest conviction, that underneath whatever may be said or done in England, there is an absolutely genuine determination, on the part of the British people, to honour the pledge of 1917. (*An Honourable Member*: "No, Sir".) As I believe you when you say that you represent one people, I also believe most firmly that the British people mean business in this matter.

The second observation I would make is this; that although we do not want to exaggerate those differences which were disclosed, I think we are entitled to say that, as a result of the debate that we have had, "here at least there is a case for a calm and impartial inquiry". Even those who take the lowest view of the responsibility of the British Government in this matter must admit that the British Government must at least be a party to any arrangement which is made; and, if the British Government is to be a party to such an arrangement, surely it must inquire into the situation. And that is all that is being done now. I say to my Honourable friend: "That is business-like action." If you are going to undertake important business, or enter into any arrangement which means the transfer of enormous responsibilities from one party to the other, surely you will inquire into the situation before you do so. I can imagine nothing more business-like than that; nor can I imagine anything more unbusiness-like than that, having embarked on this inquiry, we should desist from it before it is completed, because of objections raised by some party outside.

Sir, these are all very elementary points, but it is necessary to be clear about them. And when my Honourable friend asks, "What is Government going to do?" I say to him that our duty is very clear. Our duty is to carry on with the administration of this Government as best we may, and in spite of any opposition which is offered to us, until a change is introduced. We can take no other course. Having said that, Sir, I sincerely feel that, in a great deal that we can do, there is room for co-operation between us. I have said that already, and I should like to repeat it. And that brings me to my last point today in connection with the remarks which fell from the Honourable the Leader of the Opposition. I refer not only to what he has said in this debate, but to what he has said in the course of the other discussion, where he dealt with a passage from my original budget speech. It will be remembered, Sir, that in very restrained and very respectful terms, I issued a note of warning in my budget speech—restrained because, coming as a stranger among you. I was diffident as to what I should say, respectful, because I have the greatest respect for the Honourable and learned Pandit. But, Sir, I meant what I said, and I could have said a great deal more than I did on that subject. I appealed to the Honourable Pandit and to the Members opposite to consider, in all that they did within the next few months, that anything which created a general feeling of political instability, or of disturbed

political conditions, might react very severely on, and to the great detriment of, the general masses of the country. My Honourable friend has said that he has higher objects in view. I quite agree with him that the objects which he has in view take their place in a higher scale of value than anything like mere material prosperity. I do not quarrel with him on that point. I do not say that I agree with his particular object, but I agree that the nature of the object is in a higher scale of value. But, Sir, the attainment of those objects is of no value to anybody unless there is some underlying material prosperity, or at least a certain minimum of material prosperity. Political liberty is of no value to a starving people. Now, Sir, I do not want to exaggerate the picture, but I do say this with all seriousness. I attempted, in my Budget speech, to lay before the Members of this House a true and unvarnished account of the Government's financial position. I did not disguise the fact that we have certain difficult passages to negotiate, and if we cannot negotiate those passages with success, it is bound to react upon the general business of the country. Now we have heard on all sides that the general business of the country today is in a very serious condition. It is in a condition, a low condition, in which any further shock is likely to have a serious effect. I think that, if the view gets abroad that there is a likelihood of serious political disturbance ahead, it is bound to increase the difficulties of the Government and the difficulties of private business. Now I particularly do not wish to exaggerate this matter and I do not wish to say things which are going to cause a general feeling of pessimism abroad, but I get evidence every week that very large sums of Indian money are being invested in foreign securities by people who are losing confidence in Indian securities. Now that movement, if it goes on, might have disastrous effects on the business of the country. I am sure that my Honourable friend, Sir Purshotamdas Thakurdas, will bear me out in that. I do not ask him to agree with me as to what is happening, but I am sure he will bear me out in saying that, if it does happen, it would have disastrous effects on the business of the country. And although this may be only a temporary phase, and although material things are of comparatively minor importance, still, at the present stage of the country's development, I think that it would react right through the country, on everybody—agriculturists and the poorer classes employed in the mills as well. I would ask my Honourable friend to take these words seriously. I do not ask him to give up one bit of his political theory. None of us would take an unfair advantage of his co-operation. But I do appeal to him to take into account the general interests of the country; and, Sir, I would say this, that the result of co-operation in that manner would not in any way weaken the cause for which he stands. I would say rather, that it would encourage a sense and appreciation of the responsibility of those who sit on the opposite Benches—an appreciation of their responsibility throughout the country, which would hasten the realisation of that day for which we all—and I say it, Sir, without any hesitation or reservation—for which we all are equally anxious, namely, the realisation of the pledges given by the British Government in 1917. (Applause.)

Mr. President: The question is:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to raise the import and excise duties on motor spirit, be taken into consideration."

The Assembly divided:

AYES—64.

Abdul Aziz, Khan Bahadur Mian.
Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, The Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Hussain Shah, Sayyed.
Jowahir Singh, Sardar Bahadur Sardar.
Keane, Mr. M.
Kikabhai Premchand, Mr.
Lall, Mr. S.
Lamb, Mr. W. S.

NOES—39.

Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sessa.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kidwai, Mr. Rafi Ahmad.

The motion was adopted.

Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra Nath.
Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji Chaudhury.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Purshotamdas Thakurdas, Sir.
Rafique, Mr. Muhammad.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdam Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Tirloki Nath, Lala.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Murtuza, Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Phookun, Srijut T. R.
Roy, Mr. B. C.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Tok Kyi, U.

Mr. President: The House will now consider the Finance Bill clause by clause. The question is:

"That clause 2 stand part of the Bill."

Mr. Ram Narayan Singh. There are two amendments in the name of the Honourable Member—amendments Nos. 2 and 3. Both relate to the same subject, and can be moved together as one amendment.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, as suggested by you, I shall put these two amendments together. My first amendment is that:

"In clause 2 of the Bill, after the words, 'to impose' the words, 'or to remit' be inserted."

The second amendment is:

"In clause 2 of the Bill, for all the words occurring after the words, 'the 1st day of April, 1929,' the following be substituted:

"they remitted all such duties hitherto imposed on salt manufactured in or imported by land into any such part, and such remissions of duties shall, for the purposes of the said Act, be deemed to have been effected by rule made under that section."

The amended clause will run thus:

"The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose or to remit, by rule made under that section, a duty on salt manufactured in, or imported into, any part of British India other than Burma and Aden be construed as if, with effect from the 1st day of April, 1929, they remitted all such duties hitherto imposed on salt manufactured in, or imported by land into, any such part, and such remissions of duties shall, for the purposes of the said Act, be deemed to have been effected by rule made under that section."

Sir, before I say anything in support of these, my amendments, I would bring to the notice of the House and to the notice of the Honourable Sir George Schuster that I have tabled another amendment levying taxes on motor cars motor lorries, motor cycles and their accessories. The Honourable Sir George Schuster always requests us to assist him. I have therefore proposed that I should be fair to him, and as he is a new Finance Member, I shall not put him to any loss or any difficulties in finding out that money. After calculating the amount, I found, that, if

1 P.M. that amendment is carried, I think he will get only about 2 crores of rupees, and still he will be in need of some more money. He can, with your permission, bring in another amendment and get the amount from other sources.

An Honourable Member: What are those sources?

Mr. Ram Narayan Singh: There are several sources, and they can find out those sources for themselves.

Now, Sir, by this clause the Honourable Sir George Schuster wants a sum of Rs. 634 crores 64 lakhs. In order to realise this sum, he will have to maintain a very large staff, for which he will have to spend 133 crores and 98 lakhs. The net revenue that he will get will be only 5 crores and 66 lakhs. Of course, if this amendment is carried, there will be a loss, but I have suggested a way, in order to assist the Honourable the Finance Member, by which this loss can be compensated.

[Mr. Ram Narayan Singh.]

Sir, when a tax is proposed, we have to consider several things. We have to consider whether there is any necessity for such a tax; we have to consider what is the object of the tax; and we have also to consider the effects of the tax on the general mass of the population. Sir, so far as the necessity for this tax is concerned, I have already said that this necessity can be met from other sources, and if this proposal is not accepted, I think the Government can as well manage without the sum that is now asked for. Then as regards the object, I submit, Sir, that this is not pure. The poor are going to be taxed; beggars in the streets are going to be taxed, to maintain a huge army, in order to keep the people in perpetual slavery as well as to terrorise and suppress other weak nations in other parts of the world. Further, the sum which the Honourable the Finance Member asks for will be spent for maintaining the Executive Council, and we know what the Executive Council is doing. They sit and make plans and prepare programmes for repressive measures in the country, and we have heard this morning something about the raids and arrests that are being made all over India.

Now, Sir, so far as the method of taxation is concerned, as far as I have read, economists all over the world hold that direct taxation is desirable. Let everybody know what he is going to be charged, what he has to pay as a price for his liberty and safety, if there are such things in this country. Sir, the ways in which these indirect taxes are levied here are more or less akin to the ways of pickpockets, cheats and thieves, who do not allow the people to know what they are going to take from them. Besides that, if any indirect tax is to be imposed, they do not consider that only the articles of luxury should be taxed. As a matter of fact, only the articles of luxury should be taxed. Things of universal necessity ought not to be taxed, much less the articles of food. Sir, we have a very glorious past behind us before this Government came into existence. We know what were the principles which were followed in the past. The King of a country was regarded something like the Sun. Just as the Sun takes away water from very big rivers, from the high seas and oceans by process of evaporation and distributes it by process of rains equally all over the world, over mountains, over wide fields, over trees, over creepers without any distinction whatever, so the King ought to levy taxes on the richer classes; he ought to take money by process of taxation from those rich people in whose hands, by process of time, the national wealth has accumulated, and that sum ought to be distributed equally among all classes of people by way of providing to them all the advantages available from a government such as protection, liberty, justice, education, means of progress and so on and so forth. In this way, taxes were levied and spent in the past. This is the way in which taxes ought to be levied today. But this Government is not going to follow any rules like that. They will tax the rich and the poor alike. This method of taxing reminds me of a proverb that is generally known in the mofussil. "*Andher nagari chauhat Raja, take ser bhaji take ser khaja*". It means that, when an idiot reigns, there is chaos in the city, and every article of food, sweets as well as vegetables, sell at the same rate of two pice per seer. Sir, this is exactly the position in which we stand today. This Government is not going to consider, or perhaps they have not the capacity to consider, from whom money ought to be taken to keep the administration going, and they are taxing both the rich and the poor alike. My friend, Mr. Sessa Ayyangar,

said yesterday that if we make a calculation, we shall find that the poor are taxed much more heavily than the rich. Last year they remitted taxes on motor cars, tyres and such like luxuries. What does it mean? It means that they are going to help the rich people of this country; not only that, they are going to help the industries of foreign countries, and in this way drain the money of this country. Sir, I think that the Honourable Sir George Schuster appears to be a very sympathetic gentleman, and if he has got any sympathy for the poor, then he should translate the expressions which he utters with his sweet tongue, into action, and show his sympathy for the poor. I told you, Sir, that in my district, at least one-fourth of the population, for several months in the year, do not get any corn for their food. They live on roots, fruits and leaves of trees in jungles. I ask the Honourable the Finance Member, is it wisdom to tax such people? As I have said already, there should be principle and justice in taxation, and the salt tax is the blackest record in the black history of the British rule in India. I hope therefore that every Member of this House will support the amendment. With these words I commend the motion to the House. I hope that every Honourable Member, whether he be a Hindu or a Moslem, whether he belongs to this party or that party, will support my motion. Sometimes I have seen that people keep neutral. I would tell them that it is not good to be a neuter gender

Mr. President: Order, order.

Mr. Ram Narayan Singh: I bow to your ruling, Sir. The straightest way ought to be followed. If the Government require money, and if Honourable Members are anxious to give them money, then let them directly support the Government and go into the Government lobby. But if they think, in their heart of hearts, that the Government is bad, if they think that millions of people require salt and that they ought not to be taxed, then they should vote with us in the lobby to which we go. One thing more and I have done. In our part of the country, there was a community known as *Noniya* community. I believe in other parts of the country also there are such communities. They used to prepare salt for the whole community in every village. By this salt duty this community has been annihilated, and the credit for that ought to go to the Government. This was a great industry. This was a cottage industry. The salt industry dates from time immemorial, from the time man came into existence, from the time that human beings began to live in India. It was a national industry and a cottage industry and the *Noniya* people used to manufacture it. With one more request to my Honourable friends to support my amendment I resume my seat.

Mr. President: Mr. Acharya.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir,

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): May I rise to a point of order? I presume you will allow my Honourable friend Mr. Acharya to move his amendment at this stage, and if so, I rise to a point of order. That amendment is for reducing the duty from Rs. 1-4-0 to four annas. I have got an amendment which is No. 8 on the list. It is remitting the salt duty in its entire extent.

Mr. President: That is what Mr. Ram Narayan Singh wants.

Pandit Nilakantha Das: As I understood his amendment, he remits the salt duties imposed since the days of British rule or the East India Company.

Mr. President: I am unable to differentiate between the amendment of Mr. Ram Narayan Singh and that of the Honourable Member. I thought the amendments of both the Members were the same, namely, that they wanted the remission of the tax altogether.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): May I point out, Sir, that the amendment in the name of Pandit Nilakantha Das is different from that in the name of Mr. Ram Narayan Singh? Pandit Nilakantha Das's amendment and my amendment will retain the duty of Rs. 1-4-0 upon imported salt, but will take away the duty on locally manufactured salt either wholly or to the extent of twelve annas according as it is proposed. Therefore there is a considerable difference between the amendment proposed by my Honourable friend Mr. Ram Narayan Singh and that proposed by myself and Pandit Nilakantha Das.

Mr. President: I wonder if Government accept that view.

The Honourable Sir George Schuster: I understand that the interpretation of Mr. Ram Narayan Singh's amendment is the abolition of all salt duties. I was not quite clear myself, on the wording, whether he intended only to abolish the duty on salt manufactured in India and imported by land into India, or whether he intended to abolish both the import duty on foreign salt and the excise duty. But I understand from what my Honourable friend has said now, that he intended to move the abolition of all salt duty, that is, duty on imported salt, as well as on salt manufactured in India. In that case his amendment is substantially different from that proposed by Mr. Duraiswamy Aiyangar.

Mr. President: In that case, I will ask Pandit Nilakantha Das to move his amendment.

Mr. C. Duraiswamy Aiyangar: May I make a suggestion to the Chair that all the amendments might be first moved and discussion take place thereon and ultimately the questions may be put?

Mr. President: Pandit Nilakantha Das.

Pandit Nilakantha Das: My amendment is:

"To clause 2 of the Bill the following be added at the end:

'and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed, be construed as if, with effect from the 1st day of April, 1929, they remitted the duty to the extent of the said one rupee and four annas and such remission shall be deemed to have been made out of the leviable duty by rule made under that section'."

The whole clause will then read like this as amended:

"The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than

Burma and Aden, be construed as if, with effect from the 1st day of April, 1929, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section, and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed, be construed as if, with effect from the 1st day of April, 1929, they remitted the duty to the extent of the said one rupee and four annas and such remission shall be deemed to have been made out of the leviable duty by rule made under that section."

Section 7 of the Salt Act, 1882, provides:

"The Governor General in Council may from time to time, by rule consistent with this Act,—

(a) impose a duty, not exceeding three rupees per maund of 82 $\frac{2}{7}$ pounds avoirdupois, on salt manufactured in, or imported by land into, any part of British India;—

(b) (My amendment is under this) 'reduce or remit any duty so imposed, and re-impose any duty so reduced or remitted'."

From time to time, duties have been remitted by notification under this particular clause. In 1893, in the case of salt manufactured in the Punjab mines, the duty was remitted for salt used in glazed earthen ware. On another occasion in case of Madras salt sent out to Travancore and other places. There are other instances also quoted in the foot note of the section and clause. So, under this amendment, if it is carried, the effect will be that the duty will be levied, and that duty, so far as Indian indigenous salt is concerned, will be remitted entirely to the extent of Rs. 1-4-0. The idea is that the tariff duty on foreign salt is just as much as the excise duty on salt manufactured in India. If we have Rs. 1-4-0 as excise salt duty on salt manufactured in Bengal, say, then the tariff duty on the salt which is imported into Bengal from Liverpool or Germany will be just Rs. 1-4-0. If we say, we have no duty here, then the import duty goes, as a matter of course. When there is no imposition of excise duty, there is no standard by which we can levy a duty on imported salt. So the excise duty there technically, according to my amendment, remains untouched. That excise duty will be remitted, though technically it will be there on the Statute-book for the purpose of the tariff duty on imported salt. That is the idea of my amendment.

Sir, I was just listening to the very sweet and what I may call beautifully persuasive speech of my Honourable friend, Sir George Schuster.

Mr. President: He did not persuade you?

Pandit Nilakantha Das: It was persuasive all the same. He did, Sir, but perhaps could not persuade me. I quite realise his position and if he could carry the sweetness of his tongue to the depths of his heart, he would be the first man, before I make any speech, to prove my case, to accept my amendment and pour oil over all agitation here. For, this salt tax is the centre of the objectionable features of the Finance Bill, so far as the economic aspect of it is concerned, this salt tax is the crux of the whole problem. He may not have known it. He is new to this House. Year after year, this salt tax has been, as my friends described it, a hardy annual. I think my amendment requires little persuasion on this side of the House. I know we shall be very strong in carrying this measure, for this measure

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requires little persuasion to the representatives of the people, irrespective of their political opinions. On this question, I must apologise to you, Sir. Our memories are not only long and painful, but to some utterly unpalatable and even galling.

This salt tax painfully puts me in mind of a tax, which I call medieval, I may even call it primitive. It is, Sir, a poll tax, and as such, is full of the humiliating memory of the days and dealings of ancient slavery as well as medieval fanaticism. I need not go into details of this historical significance of the problem for obvious reasons. Let me say this much, that it is all unseemly for a people to fight with their Government in this second quarter of the 20th century on the issue of a tax round which cling the associations of barbarism.

It is a poll tax, a capitation tax, and more so from the view-point of the Government. We know, it can be proved on authority that consumption of salt decreases, when the tax is increased. But to the Government the consumption is inelastic. What else is it then but a poll tax, a capitation tax? What else is the principle and significance of a capitation tax? True, it puts one in mind of the days of human slavery. Which Government was that that thought of poll taxes? Not an organised, not a civilised Government. A poll tax can only be thought of when the Government wants to make money out of the ignorance of the people. No Government would ever think of a poll tax. This salt-tax is a poll tax veneered over, with what the Government calls 'indirect', I mean, the principle of indirect taxation. It is a direct poll tax I say, and it is primitive in its character.

Mr. President: The Honourable Member is repeating the same thing over and over again.

Pandit Nilakantha Das: Am I? I am sorry, Sir, but this subject is so very painful.

Mr. President: That may be, but there are rules governing the debate in this House.

Pandit Nilakantha Das: I am not consciously doing it.

Mr. President: I am prepared to believe the Honourable Member!

Pandit Nilakantha Das: It is a tax which is levied on food. Rich people are not affected by this tax, although I don't say that rich people have nothing to do with the tax. It is a tax all the same, and they pay as much perhaps as the poorest man pays. It is in keeping with the character of the present Imperialistic civilization, which should no longer find its *pro sto* on the exploitation and oppression of the poor. For it has always been the function of Imperialism to exploit the property of the world where protection of such property is the weakest. The poor man is exploited and what else is this tax? It partakes of the distinct character of that Imperialistic policy of exploitation. It is a tax on human blood. The poor man is bled to find money for the coffers of the State under this tax.

I don't propose to pose as a chemist in this House, but I say salt has very much—perhaps 90 per cent.—to do with human blood, and when you tax salt you tax the poor man's blood. Poverty has been a sin for a long time and therefore it is being punished. But how much longer will it be punished like this? Whatever may be the character of my opposition to this tax, I say it should not be a source of revenue. Salt should not be a source of revenue. If you make it a source of revenue, as I remarked some time ago, you are always tempted to make it your sure reserve, a certain source of revenue. Many other taxes are there, they are not certain, but there is no uncertainty about the poor man, or even the rich man for all that, taking a pinch of salt. You are always tempted to grasp the poor man, to bleed the poor man. It engenders a sort of depravity which is not healthy to the cause of humanity. It stands to murder humanity in ignorance and weakness. This is such a tax.

You may say there is France, there is Italy, there is that Republic of Brazil. They have it, they have this salt tax. It does not matter if England does not have it. It has something else. We shall explain that later on, but big countries have it. Why should you not have it in India? There are examples in the West and in the countries Westernised. I know, but I refuse to enter into the circumstances which actuated them to put on this salt tax. I look within before I look without. What have I got to do with Brazil having a salt tax, I have not been to Brazil. You may have got many books, many accounts, this and that. Only yesterday my friend Mr. Chaman Lall's statements and mine were being questioned for our not having been personally to the tea gardens in Assam. For that reason our statements could not be regarded as authoritative. Whether authoritative or not, whether facts or not, whether reasonable or not, I don't go to question or to criticise what others are doing in this world. I ask myself what I should do, and I say, so far as I am concerned, I am not going to give any sanction whatsoever, moral or physical, for this tax on the poor man's blood.

Mr. President: Does the Honourable Member say "physical sanction"?

Pandit Nilakantha Das: Yes.

Mr. President: How can he give physical sanction?

Pandit Nilakantha Das: Physical sanction in voting. We are sometimes carried to the Lobby against our will. Sanction there is not mental or moral, I think it is physical. Is'nt it?

Mr. K. Ahmed: You will be hauled up to the police court!

Mr. President: It is not possible for the Honourable Member to finish before Lunch I suppose?

Pandit Nilakantha Das: I don't think so.

Mr. President: The House stands adjourned till a Quarter to Three.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

MOTION FOR ADJOURNMENT.

RAIDS AND ARRESTS IN SEVERAL PARTS OF INDIA.

Mr. President: I have just received the order of the Governor General for communication to the Legislative Assembly.

Mr. K. Ahmed: I anticipated it.

Mr. President:

"In exercise of the power conferred on me by sub-rule (2) of Rule 22 of the Indian Legislative Rules, I, Edward Frederick Lindley, Baron Irwin, hereby disallow the motion for adjournment, of which Pandit Motilal Nehru has this day given notice, on the ground that it cannot be moved without detriment to the public interest."

IRWIN,

Viceroy and Governor
General."

21st March, 1929.

THE INDIAN FINANCE BILL—contd.

Pandit Nilakantha Das: I was going to say, Sir, that the salt tax should not be made a source of revenue. One may very well ask if it is not to be a source of public revenue, what do you propose to have in its stead. There are two reasons for the total abolition of the entire tax on indigenous salt in India. I have got to explain them a little. One reason is that this is a measure of protection. The other day when Demands for Grants were being discussed, we carried a cut in the salt Demand on the issue that India should be made self-supporting in matters of salt. Indian salt should be made to supply the whole of India. There is a difficulty and the main difficulty is foreign imported salt. If we cannot make Indian salt, it was found out the other day—at least it was so given out—if we cannot make Indian salt very very cheap, as compared with foreign salt, we have no hope, at least for the next 20 years, of making India self-supporting so far as salt is concerned. It will be very difficult to put a very heavy protective tariff duty on imported salt. It will not look well for many reasons, salt tax being a poll tax, as I have said, it is a bad tax, it is obnoxious to tax the blood of man. Realising all this, and Indians as we are by culture, we have been all along throughout our historic tradition first members of humanity and then members of the nation, it is not for us to say, let English salt, German salt or Aden salt be taxed, not ours. It does not look well. But we are here constrained to give some protection to indigenous salt, and what is the compromise? I will give you here a compromise. The compromise is to remit the excise tax, i.e., excise duty on indigenous salt. Then, this Rs. 1-4-0 per maund remains on imported salt and that is a measure of protection.

CORRIGENDUM.

In the Legislative Assembly Debates, dated the 21st March, 1929, page 2299, in the last paragraph, for the words beginning with "My second reason is" and ending with "bring in such an amendment," substitute the follow-

My second reason is that it is not possible for us separately to change the tariff duty perhaps on this occasion. Had I wished to change that tax, I am afraid, Sir, I could not have done so. It is only the duty on excise salt which I propose to remit—perhaps some of my friends do not understand the significance of it; I apologise to them as I have not perhaps been intelligible. The Bill says 'salt manufactured in, or imported by land into' India and not Burma. That is, if we pass this Bill as it is, we levy a duty on indigenous salt alone. This Bill is for excise salt duty only. Our difficulty arises there. In this Bill, by no amendment can we suitably change the duty on imported salt. That duty, I mean tariff duty, is, according to the Tariff Act, levied on the basis of this excise duty, which, by rules made under section 7 (2) of the Indian Salt Act, can be remitted by the Governor General in Council. Thus the duty will remain leviable for the purpose of taxing imported salt, and will not be realised on indigenous salt on account of the remission proposed here. Now, I hope, it is clear that any other change of tariff duty on salt is forbidden ground so far as this Act is concerned, and we shall have to take the previous sanction of His Excellency the Viceroy before we can bring in such an amendment."

It is said that the people in Bengal, Bihar and Orissa and some parts of Assam have to depend entirely on foreign salt. They have also been made, during the course of the last hundred years or so, to contract a kind of liking, natural or artificial, whatever it be, they have been made to contract a kind of liking for foreign salt on account of its quality. Whatever that be, I hope my Honourable friend Pandit Duraiswamy Aiyangar, I mean Mr. Duraiswamy Aiyangar

Mr. C. Duraiswamy Aiyangar: I am a Pandit all right.

Pandit Nilakantha Das: My Honourable friend proved it home the other day that quality matters very little to the common man, even in Bengal and Assam. It is not a question of quality so much as the question of unavailability. It is not made available there. That is our position. But supposing a certain section of the people are attracted by its quality, they love foreign salt, they prefer it on account of its better quality. Admit, for the sake of argument, that it is so, I believe even the Members of Government will agree when I say that such a preference can be found only with the richer section of the community. It is quite natural that, when protection comes, the richer and the more enlightened section for that matter, who have been mainly responsible except Government, for killing the indigenous salt and for killing its market in Bengal, they ought to be made to pay for relieving the poor.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

It will be a very small burden which such people will never, I believe, grudge to pay. It will be in the fitness of things that, if any one is to be taxed in this country for the purpose of giving a certain protection to the native industry, I mean indigenous industry, it is that section of the people who can bear such a burden without difficulty. In this case, there will be practically no difficulty to them.

My second reason is that it is not possible for us to propose an abolition of tariff duty perhaps on this occasion. Had I wished to abolish the tax altogether, I am afraid, Sir, I could not have done so. It is only the duty on excise salt which I propose to remit—perhaps some of my friends do not understand the significance of it; I apologise to them as I have not perhaps been intelligible. The Bill says "salt manufactured in, or imported by land into" India and not Burma. That is, if we pass this Bill as it is, we levy a duty on indigenous salt alone. This Bill is for excise salt duty only. Our difficulty arises there. In this Bill, by no amendment shall we be able to abolish the duty on imported salt. That duty, I mean tariff duty, is, according to the Tariff Act, levied on the basis of this excise duty, which by rules made under Section 7 (2) of the Indian Salt Act, can be remitted by the Governor General in Council. Thus the duty will remain leviable for the purpose of taxing imported salt, and will not be realised on indigenous salt on account of the remission proposed here. Now, I hope, it is clear that the abolition of the salt duty altogether is forbidden ground so far as this Act is concerned.

3 P.M. and we shall have to take the previous sanction of His Excellency the Viceroy before we can bring in such an amendment. That amendment, as I understand it, and as far as I have experienced

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it in previous years, that amendment means the putting in of something new into the body of this Bill. If you want to do that, you cannot do that merely by means of an amendment. Two years ago, I looked into the question, and I applied for sanction to amend this particular section to that effect. I am sorry to inform my Honourable friends that I was not allowed to do so.

An Honourable Member: I am very sorry.

Pandit Nilakantha Das: There is nothing to be sorry under the present arrangement. So, I say that the question is hedged in a double difficulty. For these two reasons, I propose this particular amendment.

So far as the other countries are concerned, I have said, I refuse to enter into the circumstances prevailing there; our main concern is India, and in this connection, I confess, to a certain extent, also England. England is the home of my Honourable friends who rule over our financial and political destinies. When they think of making money out of the poor man's pinch of salt, will they look back across those 6,000 miles of the blue ocean and tell me what are the things obtaining there? Is there a salt tax in England? I know there was one some hundreds of years ago. That was in the middle ages. The world has advanced since then, and much water has since flown under the bridge of the Thames. They had a salt tax then; but as soon as the people realised that they had a certain right, a substantial right to govern themselves, as soon as their eyes opened towards the political and national future of their country, and their particular share in it, they did not brook a medieval, a primitive tax like that. Objections were raised—I could write pages and volumes, and I can read many quotations, but I refrain from doing so, because I do not propose to take much time of the House if I can avoid it. But I know, from the point of view of human health, health of industry, health of agriculture,—from all sides there were objections—so many and varied that the levy of such a duty was at last found impossible. I may here quote a small passage.

Mr. D. K. Lahiri Chaudhury: (Bengal Landholders): May I ask the Honourable Member what is meant by the health of industries and the health of agriculture?

Pandit Nilakantha Das: My Honourable friend ought to have known by this time perfectly well what is meant by the health of industries and health of agriculture. If he looks only to his own orchards and fields, and if he goes to some industrial centre or even to a village to inspect what the state of cottage industry is there, he will see that it is anything but healthy. I know he is a big zemindar; I am making no reflection on him but I am afraid he is not in touch probably with the real state of things in the villages.

Mr. D. K. Lahiri Chaudhury: I differ from my Honourable friend. I keep in close touch with my tenants.

Pandit Nilakantha Das: Then I ask him, is industry in a healthy condition? Is your agriculture in a healthy condition in the villages?

Mr. D. K. Lahiri Chaudhury: I simply asked the Honourable Member to explain what he meant by it. I did not mean to attack him.

Pandit Nilakantha Das: I have explained it sufficiently well, I think, and I hope I have been intelligible even to my Honourable friend over there. I was going to say—I am going to quote one passage to show that even in England, where I need not say anything about the income of the individual or the circumstances of living or the standard of life, which is dinned into our ears day in and day out, even in this House for imitation; but I shall quote one thing. An English salt manufacturer, giving evidence before a Select Committee on Salt in 1836, by name William Worthington, said this. A member of that Committee put the question, "Since the repeal of the duty, has there been an increase in the demand for that sort of salt which is used for household purposes?" The answer—what is the answer? "Very considerable." And here in India the salt tax gives you, gives the Government, six, sometimes ten and sometimes even more, crores of rupees year after year. We are told it is only six annas, or four annas or something like that *per capita*, as if it were a very small thing. But the gentlemen who are sitting during the winter in this Imperial Delhi and enjoy the summer on the heights of Olympus, Simla I mean,—to such people four or six annas I know means nothing. They do not understand what a four-anna piece means. I am afraid they have not seen one, for it is not gold nor is it paper. But we, all the representatives here on this side of the House, have very painful experience of what that little thing means, that four anna piece, to our villagers. As my friend here (Diwan Chaman Lal) tells me, it is a matter of life and death for them.

I should like to remind you of the history of the salt tax in this country. We are sometimes told that the history of this tax is a very long one; I know long and painful it is under British Rule in India. But I was once surprised that even the Arthashastra of Kautilya was laid under contribution to afford an authority for this particular tax in ancient times. I felt sorry to think that there should be so much ignorance—genuine or put on, does not matter here—about Indian life, Indian culture, Indian government, Indian polity. On account of a kind of a spoon-feeding in culture, we have been gradually accustomed, innured, to things which, if we knew what our forefathers were, we should not care a tuppence for. Now what was the principle of taxation in India in those days? The land today belongs to the Government, or the zemindars—for that matter, through the zemindar it is Government's land—the land then never belonged to Government. It was never the Raj's land. When the kingship was first conceived as is illustrated in the story of Bena, there was no idea of King's proprietorship over the land. It was a willing contribution of one-sixth of the return on the land, later on supplemented by a land tax that maintained the King and maintained him to please the people and to work for the good of the people, to consider himself the real servant of the people. This was the principal theory of our Indian taxation. How can it be possible that there was a salt tax? If there was a salt tax, the men who made salt perhaps used to give one-sixth of what they made out of it to the King, probably a little land tax in addition in later days. As a matter of fact, a mendicant in the forest, who used to live by picking grains from the streets

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or cart ways had to pay one-sixth of those grains picked up, and that was the King's portion. If you look at it from the side of the King that was a tax; but I must tell you clearly . . .

Diwan Chaman Lall: On a point of order, Sir. There is no quorum.

(A count was taken.)

Mr. Deputy President: There is a quorum.

Pandit Nilakantha Das: In India there was no tax which the King ever imposed on the people: the basic principle of our culture, I may say, was "Duty", whereas a complete change has come over the world and now the basic principle is "Right". Now the King, as well as the people, are always demanding of each other—the King says "Give me my tax", the people say, "Give us our rights of representation and of shaping the state policy." "No representation, no taxation". But in ancient days there was no such struggle for existence or for kingship; there was no oppression of the people by the King, and the people did not feel that they should take away anything called power from the King. That was the culture then, the smooth working, the dovetailing of each other's interests, and in such an arrangement, the salt tax must be impossible. Then what is the meaning of quoting Kautilya to prove the ancient history of the salt tax?

Mr. M. S. Anay (Berar Representative): Why does the Honourable Member not refer to the historic fact that the sage Agastya was the first Aryan to give free sea salt to the people of this country?

Pandit Nilakantha Das: My gallant Mahratta friend knows these matters better than I do: he is proud of the heritage of the culture of Agastya, who went to his part of the country never to return to Northern India. We believe he is still there guiding their destinies and rising up year after year in the Autumn. But it was he who gave free salt; he went to the South, and the allegorical story is that he made salt out of the sea and before that, as I shall just come to it, the people were making salt from the earth. I am just coming to that.

It is during the Muhammadan period we are told that there was a salt tax; but what was that? $2\frac{1}{2}$ to 5 per cent. Was it a tax? I cannot say what it actually was. Perhaps just as the produce of the land was taxed, so was the produce of the sea, or the land which produced salt. It was like a common tax, an ordinary tax; it was no salt tax, it was no poll tax, it was no capitation tax; that is what I want to impress upon the attention of the House. It was $2\frac{1}{2}$ to 5 per cent. Now, will any one compare the percentage of the present salt tax. What is the present percentage? 1,000, 1,200, is that the proper calculation? It will come to even more, for the salt price is sometimes 1a. 6p. whereas the tax is Rs. 1-4. According to the proper rule of three calculation, it comes to how much? 1,600 per cent. Am I right? And during the Muhammadan times it was $2\frac{1}{2}$ to 5 per cent. I take it out of reports written by Englishmen—authentic reports; but I am sorry I have not got them to quote from. Was that a tax at all?

If you say what is the character of the salt tax, I have already told you it is the public revenue reserve. Had it been so, every one, every

school-boy knows the story of Muhammad Tughlak, that idealist, that scholar-Emperor, who dabbled in economic problems without studying them, and he would have been the first man to draw on this tax, had it been the custom in those days. He was in want of money, and he went from house to house to collect a poll tax; for state expenditure he collected his own subjects' property in desperation; he was in dire need of money and he wanted to issue notes, I mean, paper currency without any metallic reserve in the treasury; and he wanted that copper coins with the stamp of the Emperor should pass as gold and silver coins. He took to so many means of making money; but we do not hear of the salt tax even then; it has never been recorded by Ibn Batuta, that famous African traveller who was a friend and for seven years practically an associate and a colleague so to say of Muhammad Tughlak. Am I to hear that he could not record it? I maintain, Sir, that the salt tax had no history before the coming of the East India Company.

I shall simply rapidly pass over the Sikh regime in the Punjab, when some little money—inconsiderable though it be—was realised from leasing out mines in the salt range, the stronghold of the Indian Government's monopoly even today. But the salt, as such, was never taxed. Though in the Sikh days in the Punjab, which were the days of the East India Company in other parts of India, when these mines were leased out and when we might expect to hear of a salt tax in the Punjab salt range, we do not hear of anything like that at all. It was a mining lease rather than anything else; that is not a salt tax. Just as a zemindar lets out his stone mines, or the Government lease out their silver mines, so it was with this salt range; under a mining arrangement it was let out.

But admitting for argument's sake that the salt tax was a tax in India just as it is today, for argument's sake I take it, it was so; but will the Honourable the Finance Member take note of the fact that all the sources of supply were open to the people? The mine was there in the Punjab and the sea from Sind to Chittagong; all this was open to the people who were making their own salt. Who began the monopoly? The word "monopoly" came into this country with the East India Company. That cursed word "monopoly" of salt came into this country with the advent of the British merchant rulers. Evidently there was no monopoly of salt in India before then. There being no monopoly, it would be self-contradictory if you say that there was a tax. People were not making salt in factories, and *Nimak Mahal* is a word which the East India Company probably coined. In those days there was no big centralised manufacture of salt. Sometimes people carried a potful of water from the sea, boiled it in their houses and made salt. I shall now tell the House how the monopoly system has pressed heavily on the poor people, how it has actually operated itself on the people, and how clandestinely people prepared their own salt for which, not they, but their zemindars were punished.

But you may say that if today we give salt free, how can it be supplied to the people in the interior? They will be put to a lot of expense and trouble to carry salt into the interior from the sea coast. You may say that. But, Sir, I have got literature in my hand to show—I do not know whether I shall be believed at this hour of the day if I tell you, Sir, that all over India there is salt earth from which salt can be made easily. It is made in this way, Sir. First take out the earth and then put it

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into water. The water is then filtered and boiled and allowed to evaporate, and the deposit that remains is salt. That is how salt is made, and the earth for making salt nature has supplied in her abundance, and such earth can be found even in the land of my friend over there, in Allahabad.

Munshi Iswar Saran (Lucknow Division: Non-Muhammadan Rural): Not very much.

Pandit Nilakantha Das: Much or little, the source has not been tapped, and you were not living in the days of your grandfather to tell me now . . .

Munshi Iswar Saran: Address the Chair please.

Pandit Nilakantha Das: I am sorry, Sir; my friend ought to have lived in the days of his great grandfather to tell me today whether that salt was much or little

Mr. C. Duraiswamy Aiyangar: Did you live then?

Pandit Nilakantha Das: Sir, Mr. Thornhill of the Board of Revenue, perhaps of Madras, in the Report on Salt in 1876, on page 94, says that, "the quality of earth salt varies greatly in different localities. That produced from the black cotton soil is generally the best". Mark the quality here. "It is pure white", and not muddy, not the black salt of Madras which is not palatable to

An Honourable Member: To Mr. Kabeer-ud-Din Ahmed.

Pandit Nilakantha Das: To my friends like Mr. Kabeer-ud-Din Ahmed in Bengal. The salt produced "was in well-formed small crystals" like the Cheshire salt. "That produced in red soil is dirty and red in appearance, the former is used largely for human consumption and the latter exclusively for the use of cattle." Mark, Sir, there was a provision in every household for giving salt to cattle.

Sir, the earth salt policy of the Government recently came in for criticism at the hands of Sir Thomas Holland in a speech which he delivered before the Royal Society of Arts. He alleged that the restriction on the manufacture of earth salt pressed heavily on the poor. The policy, he maintained, was responsible for stinting the supply of salt for agricultural operations, and to that extent accountable for agricultural deterioration in India. This is the criticism of Sir Thomas Holland.

Sir, five years ago, in March, 1924, a question was put in this House regarding salt earth, not by a man who lived on the sea coast, but by a man who lives in the Surma Valley, I mean Mr. Ahmed Ali Khan. He was pressing for an industry, the extinction of which affected his own constituents, and as a matter of fact, here is my friend Mr. S. C. Dutta from the same constituency, who tells me that, not only is there an abundance of salt earth in his district, but there are springs in his own gardens and orchards which give saline water and formerly salt was made out of that water. Now, Sir, a stone has been put and a guard has been established there so that no man can carry a jarful of water and make salt out of it. But whatever be the real state of things there, the answer given to the question put by Mr. Ahmed Ali Khan was that, "The Government of India do not propose to abolish the restrictions, nor do they think it worth their while to institute any inquiry in regard to the

extent and nature of hardships occasioned to the poor". I hope my Honourable friend, Sir George Schuster, after the fine sentiments he has expressed, will take note of these words—Government do not consider it worth their while to institute an inquiry in regard to the extent and nature of the hardships occasioned to the poor. And, Sir, we are crying ourselves hoarse, we have been crying ourselves hoarse on several occasions in this House, for the promotion of cottage industries which are being killed day after day. Of course the machinery for this extinction is imperceptible to the common man. But may I tell you, Sir, that this salt industry was almost a cottage industry throughout India, and it afforded occupation to people in their slack season for which Mahatma Gandhi is now putting,—I cannot say unwelcome or welcome,—the *charka* into the hands

Mr. Deputy President: We are discussing the question of taxation of salt, and not the manufacture of salt. I hope my Honourable friend will try to be a little more relevant.

Pandit Nilakantha Das: I only mentioned it in order to press it upon your attention as well as upon the attention of the House.

Mr. Deputy President: But the question of the formation of salt is not under discussion.

Pandit Nilakantha Das: No, Sir. It is not the formation of salt. But I submit the formation of salt is connected with the taxation of salt. If you take out the tax, then I want to show to the House how people will have their cottage industry, how they will thrive, how it will help them to grow, how their agriculture will be improved, and how their cattle will be fed with salt. All this is relevant, I submit, to the question of taxation on salt. You have heard of the floods in Orissa in Balasore district in 1927. That was a salt-producing district. Formerly there were monopoly centres there, but now there are not even those centres, and people are thrown out of employment and they are sinking in floods and dying of famine. Nobody cares for these *rayats*, sometimes they are decoyed by *sirdars*, and sent out to Assam plantations. If they have got a plot of land, it produces nothing. For a land on which salt was formerly manufactured cannot produce rice. Men who have experience in land will tell you that on a land where salt was being manufactured for about half a century at least, not even the best scientific manure can bring the proper amount of fertility. If they have got a plot of land, that land is taxed, cultivated or fallow—for that is the *royati* tenancy—and in order to pay the tax, these *rayats* have to go to Jamshedpur or to Calcutta to earn money and pay the tax

Mr. K. Ahmed: Don't look at me, look at the Chair. (Laughter.)

Mr. Deputy President: Possibly you might be able to extract some black salt from over there. (Laughter.)

Pandit Nilakantha Das: I tell you this is the condition, and I would not have told you all these things had I not been required to do so. But the thing is there. They were, out of pity, in 1927 allowed to make their own salt, and for a full year, I have not got statistics with me, emigration from that particular land was arrested a good

Mr. K. Ahmed: You are not true to your salt if you have not got the statistics.

Pandit Nilakantha Das: It is the salt of the Government. I cannot be true to Government salt. They were very healthy, and I have seen them making their salt. Government had not the face to forbid them from doing it. Gradually some preventive officers or some other officers were secretly set on them, and local officers were made by law to fine these people Rs. 5 or 6, or 10. That was enough to produce the effect desired by Government, for the people got terrified. They are probably now emigrating in large numbers to industrial centres, Fiji and other places as before.

Mr. K. Ahmed: Were you arrested for smuggling?

Pandit Nilakantha Das: I do not know whether some of them are today carrying loads of salt as labourers from ships which come from Liverpool to Calcutta. The purpose of my saying all this was to show how a whole machinery of spies, under the name of preventive officers, is constantly in operation so that people cannot even have a pinch of salt if it is not purchased directly from Government. These machines of demoralisation, some germs of which have developed into the Criminal Intelligence Department, were invented even when the monopoly first began, in the early days of the East India Company. They were then fresh—brand new. Those were the days of regulations. In those days there were no Acts as we have now. There were two regulations, Regulation X of 1819 and Regulation X of 1826, to which I shall refer here. One of them, namely of 1819, makes the boiling of salt water criminal. Then there occurs in the other, i.e., of 1826 a peculiar thing, a very interesting thing. Under the Regulation of 1826 burning of straw soaked in salt water was to be severely dealt with. If it was burnt, what was the punishment? They were not so civilised in those days. Criminality in those days could perhaps be transferred from one man to another. Vicarious punishments were, I suppose, allowed. The zemindar was to be fined Rs. 500 for each single case found out among the tenants, and the cases were dealt with not by judicial officers. There is another very interesting thing too. If the zemindar had co-sharers, 2, 3 or 4 or 5 sharers, then the fine, viz., Rs. 500, for each offence was not divided. Each of the co-sharers was to be fined Rs. 500 for each single case. That was the law in respect of which Devendranath Tagore on behalf of the British Indian Association made a petition where he said:

"In general it is the poor *rayats*, often without any malicious designs against their landlords, and owing to their inability to pay the high price of so necessary a condiment, who have brought themselves under the operations of this rule, by preparing solely for domestic consumption a little salt upon their daily fires in one of their ordinary cooking utensils, or by burning a little straw steeped in salt water. The manner in which the *rayats* prepare the salt for such daily consumption precluded all probability of discovering . . ."

Still, if cases were discovered? Mr. Devendranath Tagore was fined Rs. 500 each time. I shall not tax the patience of the House by narrating the long history of how it grew in severity and how it killed many races of poor people during the course of a century and a quarter. In the Famine Report of Orissa of 1866, page 222, paragraph 49, it is said that "salt manufacturers, who had turned to landless labourers through sheer helplessness" on account of the Government monopoly in salt were the people upon whom "the utmost severity of the calamity" had fallen. You do not, perhaps, know the extent of the mortality in that famine. Now, I am quoting from the Government Report on the famine of Orissa

and Bengal. 20 lakhs of people died out of a population of 60 lakhs. That is one-third of the population died, and this salt monopoly was substantially responsible for this calamity.

Then comes another chapter in the history of the salt tax. It is against the imported salt that I propose my amendment to-day. Now, Sir, the East India Company came here. It is useless to quote things. So much quoting is unnecessary. It will simply tax my friends and take longer time than necessary. I shall be as brief as I can be. When the East India Company came here, they pounced upon this salt. Who were the manufacturers and who were the taxpayers? As I hinted the other day, servants of the Company were not paid. They were let loose on the people. Yes, it is a fact. One of my friends told me that he went to pay a visit to that great historian Vincent Smith. He was buried among his books. My friend found in his library that there were many records about the doings and activities of the East India Company and their servants. He asked Vincent Smith, "In your books I find nothing about the things one may find here". The historian said "My dear friend, what can I do? I have come to realise that these men were a perfect set of scoundrels, but for political reasons, I do not write about them." This is what I have heard from my friend. I do not know how far it is true, but I have reasons to believe it to be true from what I know of this salt tax business. I know how the early servants of the Company were let loose on the people. They were paid very little, and were freely allowed to carry on business and plunder people. There was a Resolution to prevent them from taking part in the manufacture of salt. What was the reply? They must make some money. The service must be made attractive to them.

The East India Company was making lots of money. Human nature is human nature everywhere. In England, why should the nation of shopkeepers brook this profit making of a few individuals? A set of people are making profits in India. Why should others be deprived of doing the same? The Borough of Droitwich complained. Then the Chamber of Commerce in the City of Gloucester also pointed out that the manufacture of salt by the East India Company was a manifest violation and evasion of Act 3 of William IV, c. 85 and protested against the exclusion of "the British merchant from the benefit of a market to which he had natural and paramount claims to be admitted." Similar Resolutions were passed by the Chambers of Commerce of Bristol, of Liverpool and other important Trade Centres. I draw . . .

Mr. Deputy President: Order, order. I hope the Honourable Member will realise that he has already taken one and a half hours. I think he should try to be more brief and more relevant.

Pandit Nilakantha Das: I will be very brief (Laughter), though I have so much to say, for the subject is so vast and momentous, and the description is so painful. Then with regard to the principle of the duty. It was to give facilities to the English merchants in the market of India, where they had a paramount and natural right. What is that paramount and natural right? I cannot say, nor have I any desire to say that. I don't like to say unpalatable things, especially because my friend over there is so very polite and sweet. Then what was the principle? The principle is, as first mooted by the Duke of Argyll, that famous Secretary of State

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for India, that the poor man must pay something—I am not quoting it. Perhaps I am not going to speak for a very long time. The Duke of Argyll said—but this is so important (Laughter from some Honourable Members). This is not a thing to laugh at. The Duke of Argyll said:

“On all grounds of general principle, salt is a perfectly legitimate subject of taxation. It is impossible to reach the masses by direct taxes, if they are to contribute at all to the expenditure of the State, it must be through taxes levied upon some articles of universal consumption, there is no other article in India but salt answering this description, and therefore I am of opinion that the salt tax of India must continue to be regarded as a legitimate and important branch of the public revenue.”

I consider this to be not an indirect tax as it is called, but a direct tax, and if I get time and if you will allow me, Sir, I will prove it.

This is the principle of our salt tax—our salt *magna carta*, so to say, as my friend Mr. Aney would like to remind me here—and if this be the principle, may I ask what about the poor man's matches in the market? Is it not a taxable commodity? Do we not fill the coffers of our State with taxes on matches?

Mr. Deputy President: Order, order. May I remind the Honourable Member that Standing Order 29(2)(vi) lays down that:

“A Member while speaking shall not—

(vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Assembly.”

I hope the Honourable Member will try to bring his remarks to a conclusion as soon as possible.

Diwan Chaman Lal (West Punjab: Non-Muhammadan): May I ask whether it is not within the right of the Honourable Member to use his right of speech?

Mr. Deputy President: Quite so, but within the restrictions contained in the rule I have quoted.

Diwan Chaman Lal: Is there any time limit?

Mr. Deputy President: There is no question of time limit but I say that the speech of the Honourable Member must be relevant.

Pandit Nilakantha Das: I am sorry, I never meant to be irrelevant. (At this stage Mr. President resumed the Chair).

Mr. President: Is the Honourable Member still speaking? Although there is no time limit to speeches, on this motion, the Honourable Member is expected to make a legitimate use of the procedure of this House.

Pandit Nilakantha Das: But considering the importance of the subject, and the fact that we have been paying a tax like this for such a long time, over a century and a half, I hope I shall be wanting in my duty if I do not make it a point this year to convince even the Government Members who have not yet been convinced by argument.

Mr. President: Pandit Nilakantha Das.

Pandit Nilakantha Das: Thank you, Sir. Then I was speaking about the Duke of Argyll (Laughter). I asked, this being the principle of the

salt tax, that every poor man must give something to the State for its protection of the poor—if I may say so—perhaps the other aspect of the same principle is that the poor man is protected by the Government, receives some benefit real or chimerical, and should be taxed for that purpose—if it be so, I was just going to ask on how many things is the poor man not paying in this land? Kerosene, does he not pay for it? Does he not pay a heavy tax for matches and for income-tax? Who actually pays the income-tax? And all the taxes that are gathered that come to the Government coffers, where do they come from? They are all based on the primary articles of human consumption. Prices go up. There was the currency trouble, and the price went high and low. Whom did they ultimately affect? And that, I say, is a thing which reaches each and every poor man in every land, not to speak of matches, or kerosene, or even income-tax, which is sometimes directly levied on the debtor. As a matter of fact I know that many creditors, at the time of lending money, take some proportionate advance as interest for the income-tax. That does not matter. Am I to explain here that the grain of rice, the grain of wheat which the poor eat, is the real article which ultimately bears the burden of almost all taxes? Then how do you say the poor man must pay something and that it must be out of salt? By no stretch of logic can such a position be maintained. Here I am reminded of a very curious statement of Mr. Dadabhai Naoroji, who was discussing this selfsame subject long ago:

“What a humiliating confession to say that, after this length of British rule, the people are in such wretched plight that they have nothing that the Government can tax, and that Government must therefore tax an absolute necessity of life and how can anything be a greater condemnation of the British lines of policy that the people have nothing to spend and enjoy, and pay tax on, but that they must be pinched and starved in a necessary of life.”

This was what our famous Grand Old Man, Dadabhai Naoroji, a man who gave the ideal of nationalism in the single term *Swaraj* to the country at a time when the whole country was going to be thrown into chaos, a man who brought cosmos out of chaos, this was what he said about the salt tax. He condemned this salt tax and condemned the Government on that score.

It was said that the tax was no tax at all and that it did not affect the consumption of salt. It was so stated in this House, and I myself heard it often. It is not we are told, like India rubber, elastic. It is inelastic. If you tax salt at the rate of even Rs. 30 per maund, even then the man has to eat salt. He must find money for paying the tax and eat it. The other day, in a communiqué which we were discussing, the average was given as 12 lbs. in India per head consumption. The lowest was 8½ lbs. per head. That is the figure, if I remember aright. Shall I tell you, Sir

Mr. President: Why do you threaten me? (Laughter.)

Pandit Nilakantha Das: Whom did I threaten, Sir? I am only appealing to the House through you, Sir.

Mr. President: The Honourable Member knows that the Chair is very unwilling to hold that any Member of this House is wilfully and persistently obstructing the business of the Assembly and I am not still prepared to believe that the Honourable Member is doing on this occasion.

Pandit Nilakantha Das: No, no, Sir.

Mr. President: I would therefore ask the Honourable Member to be brief.

Pandit Nilakantha Das: I bow to your ruling, Sir, and I shall be ruled by you whenever I am irrelevant. I may be unconsciously irrelevant, I never mean to be irrelevant, but I am prepared to abide by your ruling.

An Honourable Member: Kindly be brief.

Mr. President: The Honourable Member may be relevant, but there is another rule which says that the right of speech shall not be used for the purpose of wilfully and persistently obstructing the business of this House, but I am not prepared to believe that the Honourable Member is doing anything of the kind. I would, however, ask the Honourable Member now to be brief and conclude his observations.

Pandit Nilakantha Das: I hope I have convinced the House of the fairness of my motion. That was my only object in speaking at this length. I am very very anxious to convince the House with as many arguments from as many aspects as I can. I never mean to obstruct the business of the House and I never like to stand in the way of any Honourable Member exercising his right of speech.

Then, Sir, let me be brief (Hear, hear). Before I was interrupted, I was upon that *per capita* consumption. It was 12 lbs. average and 8½ lbs. minimum. But what was the official calculation when the salt tax was yet green and young?

General John Crawford (not our Honourable friend here, Colonel J. D. Crawford), Medical Officer of the Bengal Government, in a statement to the Select Committee on salt (1836) says:

"A Bengal or a Madras sepoy receives a ration of 17 lbs. per annum, that is ½ oz. per diem. A Bombay sepoy 2 oz. per day or 45 lbs. per annum."

This is the land allowance,

"at sea it is 40 per cent. more with salt fish to boot."

This was what was being given in the thirties of the last century.

Mr. President: Order, order. If the Honourable Member does not conclude his speech in another five minutes I shall have to revise my opinion about the Honourable Member's attitude.

Pandit Nilakantha Das: I shall if possible take another opportunity, with your permission, to say many more things that I have got to say.

Mr. President: I always give the Honourable Member an opportunity to speak.

Pandit Nilakantha Das: Then, I have finished.

Mr. President: Mr. M. K. Acharya.

(The Honourable Member was not in his seat.)

Mr. President: Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): I move my amendment No. 5 which is as follows:

"That in clause 2 of the Bill, for the words 'one rupee and four annas', the words 'eight annas' be substituted."

Clause 2 of the Bill is an amendment of section 2 of the Salt Act. I do not know, Sir, why the Government introduced a convention by which, every year, they have to amend an Act. Probably they want to show that they have the assent of the representatives of the people in the matter. The original Act empowers them to have it determined by rules framed under the Salt Act. For the provisions of section 7 of the Indian Salt Act XII of 1882 says:

"The Governor General in Council may from time to time, by rule consistent with this Act impose a duty, not exceeding three rupees per maund of 82 2/7 pounds avoirdupois, on salt manufactured in, or imported by land into, any part of British India."

Here is the law laid down about 46 years ago which empowers an autocratic Government to impose salt duty up to a maximum of Rs. 3. It is a pity that a convention like this had been established that the subject was to come year after year for consideration in this shape and form to afford us an opportunity of discussing it without any intention of paying any heed to what we may suggest. The country is not likely to be deceived by this procedure for they are well aware of our helplessness in this Assembly. Sir, I shall not take much time of this House in moving my amendment. Salt is an article which must be admitted by every sensible man, be he a Member of a tyrannical Government or an autocratic Government or a bureaucratic Government or a benign Government, as also by every other human being who has any conscience or intellect left in him, as an article which should not be taxed. (Hear, hear.) Any one attempting to adduce any argument in support of taxation of one of the barest necessities of life is either a knave or a fool for he wants thereby to deprive a human being of an article of food which is absolutely necessary for the rich and the poor alike. Arguments for the reduction of the salt tax have been adduced year after year on the floor of this House, and they have all fallen on deaf ears. I wonder why the Government are still persisting in sticking to the convention of bringing this sort of Bill before the House, instead of relying upon the power that is given to them under the original section of the Salt Act. Probably that day is not far off when they will do so; or probably they think that some harmless or vociferous speeches here will not affect them. That shows their mentality. I think we should not say much about it, knowing as we do that they are determined to do what they want to do, and knowing as we do that we cannot alter their minds. In fact I pity the Honourable Member from Orissa, Pandit Nilakantha Das, who took up so much time of the House, who I think is still having some faith in the good intentions of the present bureaucracy. I pity him. Long long ago, at least in Bengal, we were disillusioned, when a brilliant Viceroy brought about the dismemberment of our province to stem the tide of growing nationalism. Probably Lord Curzon wanted to give us an opportunity of expiating for the sins of Bhobanandas and Mir Jafars. Their sons and their sons' sons have to expiate for the sins committed by them, and probably they will have to do so for generations to come as there are even today a number of Mir Jafars and Bhobanandas. Sir, what I ask for is that this salt tax should be

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reduced to at least annas 8. This is our demand. We are not on our knees before an alien bureaucracy asking for any boon or concession, but we do demand, as Indians, in this House, our inherent right, our birth-right, in our own land, in order to see that the poorest amongst us do get their salt. We demand that the Government should cut down and reduce the salt tax to annas 8. If they do not, all the epithets, all the abusive epithets that one can use may not avail us to bring them down to a sense of understanding the situation; but they ought to read the writing on the wall. Year after year, if you go on flouting public opinion like this, year after year if you go on insulting us without listening to us and without granting our just demands, because you have got the power to do so, pray do not talk of progressive realisation of responsible Government. I also ask those countrymen of ours who are still induced by false hopes to take note of this. I hope Englishmen in England have not yet lost their senses; I say to you Englishmen, look at the depth of degradation to which you have come down. If this is the position in India, you are all exploiters, which is but another name for thieves, and you have become tyrants—for which the euphemistic name given is autocrat. What are you? Are you the children of those Englishmen . . .

Mr. President: Order, order.

Mr. Amar Nath Dutt: Yes, Sir; I shall come to the point. I demand of you, Englishmen, to reduce the salt tax.

Mr. President: The Honourable Member must address the Chair.

Mr. Amar Nath Dutt: Therefore, I move this my amendment, that:

"In clause 2 of the Bill, for the words 'one rupee and four annas' the words 'eight annas' be substituted."

I hope, Sir, it will be accepted by the House.

Mr. V. V. Jogiah (Ganjam cum Vizagapatam: Non-Muhammadian Rural): Sir, my amendment proposes that the duty on salt should be reduced to As. 10. Sir, there can be no greater hardship upon a community than the imposition of duty on an article which is almost indispensable to life. It has been admitted, Sir, that salt is a commodity, which is a prime necessity of life. Medical opinion has been insisting that, unless a man takes at least 20 lbs. of salt, he cannot lead a healthy existence. So that, even the poorest of the poor cannot get on without this necessary commodity, salt. In India, as has often been pointed out in this House, 10 lbs. of salt is said to be the average consumption per head, while that is only half the amount that is required for leading a healthy life. In England, we find that the average consumption per head is 40 lbs. Salt is needed, not only for men, but also for the cattle. The use of salt, Sir, as has been stated by Professor Fawcett, must be as free as the air we breathe and the water we drink. The price of salt always depends upon the duty that is imposed on it. People take more salt when the duty is less and prices are cheaper. This is proved, Sir, by statistics. Increase in the salt duty always resulted in the reduction of consumption, and decrease in the duty in an increase of the consumption. For instance, in the year 1903 when the salt duty was reduced by 8 annas, we find, Sir, that the total consumption of salt in the whole of this country which was about 36½ million maunds

before, increased to 43½ million maunds. That is, it increased by 20 per cent. And then with regard to the average of consumption per head, it was found to be less than 10 lbs. before the year 1903 and it went up after 1903 to about 11 lbs. In fact, Sir, this rapid rise in consumption took place in response to every reduction or lowering of the duty. There can be no greater evidence, no more conclusive proof, than this that a higher duty entails, great privation and considerable suffering, on the people. The consumption of salt, Sir, has not kept pace even with the normal increase in the population.

It was once the orthodox official opinion that the duty on salt did not press unduly upon the people of this country. The Government and its apologists always advanced two arguments in defence of salt duty. One was that it was the only contribution that the poorer classes made towards the public expenditure. The other argument was that the duty imposed on salt compared favourably with the duty per head in other countries. So far as the first argument is concerned, Sir, I submit it is altogether incorrect. It is the poorer classes that pay most, relatively to their income, towards the revenues of the State. It is these classes, Sir, that always pay most of the taxes in this country. Take, for instance, the drink revenue. It is the poorer classes that contribute most of this revenue. Again, it is they that pay the forest revenue, though they were deprived of their rights to graze and their right to collect fuel, free of duty. It is they again, that pay the bulk of the revenue from stamps and registration for the reason that most of the litigation in courts relates to small sums. It is they again, Sir, who pay a fair share of the customs duty as was admitted by one of the Finance Members who stated that, as much as 20 to 25 per cent. of the revenue is paid by the poorer classes. One Mr. O'Connor, once Director of Statistics, stated in a paper read by him that it was the poorer section of the Indian cultivator that contributed most largely to the finances of the state of this country. There is therefore no justification whatever to say that the poorer classes do not contribute and that this salt duty is the only duty they contribute to the Indian Exchequer. The next argument, Sir, is that, compared to other countries, the average of salt duty in India per head is less. This again, Sir, is a very fallacious argument. An argument like this could be valid only if we take into consideration the income of an Indian compared to the people in other countries. It is a well known fact, Sir, that the average income of an Indian in this country is only about Rs. 6 a month, while in other countries it is not less than about Rs. 100. So that, if this is taken into consideration, this argument also does not hold.

It has been admitted, Sir, times without number by responsible administrators that this tax presses very heavily upon the people of this country. It is useful, Sir, to recall to the memory of this House certain statements made by responsible men in the Government of India and by former Secretaries of State. In this connection, Sir, I would take this opportunity of referring you to what Lord Cross, a Secretary of State for India, wrote to the Government of India in a despatch to the Government of India in the year 1888. He wrote as follows:

"I do not propose to comment at length on any of the measures adopted by your Government except the general increase in the salt duty. While I do not dispute the conclusion of your Government that such an increase was under the circumstances unavoidable, I am strongly of opinion that it should be looked upon as temporary and that no effort should be spared to reduce the general duty as speedily as possible to its former rate."

[Mr. V. V. Jogiah.]

His Lordship further urged on the attention of the Government of India the following weighty consideration on the point:

"I will not dwell on the great regret with which I should at any time regard the imposition of additional burdens on the poorest classes of the population through the taxation of a necessary of life; but apart from all general considerations of what is in such respects right and equitable, there are, as Your Excellency is well aware, in the case of the salt duty in India, weighty reasons for keeping it at as low a rate as possible. The policy enunciated by the Government in 1877 was to give to the people throughout India the means of obtaining an unlimited supply of salt at a very cheap rate, it being held that the interests of the people and the public revenues were identical and that a proper system was to levy a low duty with unrestricted consumption. The success of that policy has hitherto been thwarted. While the duty has been greatly reduced, the consumption through this and other causes has not increased. The revenue is larger now than it was before the reforms commenced in 1877, and I see no reason to doubt that the consumption will continue to increase, if it is not checked by the enhancement of this tax."

He afterwards speaking again at a public meeting, stated that he was convinced that the earliest occasion should be taken to abrogate the increase in the salt tax. So that it was the opinion of a responsible statesman like Lord Cross that this duty bore heavily on the poor people of this country. I can multiply such utterances from other Secretaries of State. But I do not wish to trouble the House with them, as the time at our disposal is short.

I will say one word more, Sir. It is really very surprising that India, possessing a very large seaboard and presumably therefore being in the position not only to manufacture salt for itself, but also to supply it to other countries, should depend for its supply of salt to the extent of one-third on other countries. It is said, Sir, that this Indian salt does not command a market in Bengal. It is really strange why the Bengalees when they are out of Bengal, use this salt, but when they are in Bengal they do not use it. I fear, Sir, there is no genuine feeling against the Indian salt in Bengal; but it is a feeling which is manufactured in a very artificial manner. The other day, my Honourable friend, Mr. Neogy, referred to it at great length and I do not therefore propose to repeat it.

It is necessary, Sir, if salt should be supplied at the cheapest price in this country, that the policy of Government with regard to the manufacture of salt must be altogether changed. The manufacture of salt should not be restricted, as it is at present, to a few places, but it must be considerably improved and extended. I know, Sir, at one time there were a number of salt factories throughout the length and breadth of the country, but I am sorry to observe that most of them have been abolished and they have now been confined to a few places. In these circumstances, Sir, I suggest that salt manufacture should be improved, and I submit that severe economy and rigorous retrenchment should be applied through all departments of Government in order to secure a reduction of the salt duty. With these words I move my amendment.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, my amendment is that the salt duty should be reduced to one rupee. I should have been glad if the duty were totally abolished, but as I think it may be difficult for the Government to carry on the administration, I simply move the reduction of the duty to one rupee. I may tell you, Sir, that this salt duty hits the starving millions of India to a considerable extent. In the first Assembly a similar question

was discussed, and after that, I went to my village and there, if not thousands, at least hundreds of people came to me—people half-naked and in rags, with only a loin cloth round their bodies and no other cloth—living in mud huts and cottages, who could not even have two meals a day—they lived simply on what little they could get—cereals and other things—they could not get food of any other kind—they all came and fell at my feet and said "You are in the Assembly: why do you not move for the reduction of the whole of the salt duty? To us one pice is as much as one thousand rupees is to you. So you will not be doing your duty if you do not work for the reduction of the salt duty." I felt it very much before; and from being a supporter of the Government, this salt duty it was, which made me ~~become~~ a Swarajist. (Cheers.) And, Sir, if this small reduction is not accepted by the Government, then I am afraid, in this old age of mine, I do not know what I might become. I do feel for the people and I know that my friends on the Treasury Benches are not against the people—the hungry millions who go from day to day with a single meal and sometimes not even that. My friend, Pandit Nilakantha Das, said that the landlords do not pay much attention to the condition of the tenant. He is wrong there. Those zemindars who have got any sense of responsibility go and try to mix with the people in their houses and join their ceremonies and see what they do. It is on behalf of those people, whom I know full well, and about whom my Honourable friends on the Treasury Benches have no idea whatever, that I wish that the duty on salt should be abolished altogether. But, Sir, I do not seek to cut it down in full. I say, gradually reduce it so that after a few years it should be abolished altogether. The Members on the Treasury Benches should have the gift of imagination and common-sense to understand how things are going from bad to worse, and I hope that they will accept my amendment and, in the course of a few years, altogether abolish it. That, Sir, is why I have come up to Delhi; it is only for that purpose; because otherwise I felt I would be shirking my duty to my tenants and to the hungry millions for whose welfare I am equally responsible. I say that the whole duty should be abolished, but for the present I appeal to the Members of the Treasury Benches that they will accept this simple amendment. With these words I move my amendment that in clause 2 of the Bill for the words "one rupee and four annas" the words "one rupee" be substituted.

Mr. C. Duraiswamy Aiyangar: Sir, I am sorry that, at this late hour of the day, I have to take up the time of the House while probably many people may not be inclined to give a patient hearing.

In the first instance, Sir, I wish to say that, if I move this amendment on the salt tax, and if I make a speech upon it, it is not in view of the impending elections that I am doing it, it is not with a view to give an account to my electorate that I am now making a speech. If I did not give an account to my electorate for the last three years, rather for the last six years, I am not going to give an account to my electorate by this one speech of mine. Sir, in the book, India in 1922-23, Professor Rushbrook Williams passed a remark like that with reference to the Members of the Legislative Assembly who were leaving the Assembly at the end of 1923 and standing for fresh elections. His remarks were:

"Apart from any question of compunction which they might have had in adding to the burden of the classes stricken by poverty, the majority of the members had naturally to consider the question of their approaching elections."

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That, Sir, was an insinuation which Professor Rushbrook Williams made in that book called Moral and Material Progress Report, an insinuation which he made unjustly and irrelevantly against the Members of the Legislative Assembly in 1923, when they protested against the raising of the salt tax from Rs. 1-4 to Rs. 2-8. Sir, a remark like that from Professor Rushbrook Williams I can understand. The other day, Sir, my Honourable friend, Sir Hugh Cocke, when I made a speech about the railway fares, freights and amenities, taunted me by saying that I might print it in a pamphlet and distribute it to my constituency. That also I can understand. But, Sir, it pained me very much when I heard from you, Sir, yesterday that you gave latitude to the Members of this Assembly in this session because of the impending elections. If the Honourable Members of this House have not accounted for their work in this Legislative Assembly and for their work for the cause of the country during all this time of three years that they have sat here, are they going to do it by one speech upon the Finance Bill, or by one speech upon any other subject in this particular session? Sir, you will also have to face the elections. I am very sorry therefore that you should have passed such a cruel remark against Members of this House who have all, like you, Sir, come here to represent the people and their constituencies with all their conscience, with all earnestness and with all zeal.

Sir, the amendment which I have the honour to move this day requires some explanation. It is not in the usual form of substituting one rupee, or twelve annas or 8 annas or four annas for Rs. 1-4-0, but it is framed in such a manner that it naturally requires a little bit of explanation. The amendment that I propose, Sir, runs as follows:

"and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed, be construed as if with effect from the 1st day of April, 1929, they remitted the duty to the extent of twelve annas out of the said one rupee and four annas, and such remission shall be deemed to have been made out of the leviable duty by rule made under that section."

I will explain, Sir, frankly what my object is in moving

Mr. President: Is it not the same as the amendment of Pandit Nilakantha Das?

Mr. C. Duraiswamy Aiyangar: It is the same as that, but the only difference is, while Pandit Nilakantha Das has moved for the total abolition of the tax on Indian salt and retained the duty of Rs. 1-4-0 on imported salt, I retain 8 annas tax upon the Indian salt and retain Rs. 1-4-0 upon the imported salt.

Sir, I am responsible for the wording of this amendment, and let me say a word in explanation of it. There are two Acts, Sir, the Indian Salt Act and the Indian Tariff Act. Under section 7 of the Indian Salt Act there are three powers vested in His Excellency the Governor General in Council; one is of imposing a salt tax to the extent of Rs. 3 as the maximum; the other is of reducing the salt tax, and the third power is of remitting the tax. I say, Sir, these terms "imposition, reduction and remission" have got their respective significance in law, and we presume that in law no word is unnecessarily used, and therefore I take advantage of these three powers which have been given to His Excellency the Governor General in Council under section 7 in order, if possible, to get some benefit for the poor people of this country.

Sir, it has been asked by some Members here, my Honourable friend Mr. Amar Nath Dutt asked—why the Government introduced the convention of bringing up the Finance Bill year after year before the Assembly when they have got the power under section 7 of the Indian Salt Act. My friend Mr. Neogy said that he achieved a great thing in 1921 when he established, along with his colleagues in the Assembly on that occasion, the convention of getting the Finance Bill before this House, even if it be for a specific and limited purpose. But, Sir, my idea is that the Government consented to place the Finance Bill only as regards a certain portion of the ways and means and not entirely the ways and means of all their expenditure; only a certain portion of it, just enough to meet the demands left for our vote. I say, Sir, they have consented to place the Finance Bill, limited in extent, before this House, not with *bona fide* intentions, but so far as I am able to see,—because we have day after day reasons to suspect their motives,—with some nefarious object. Although they know that they have, under section 7 of the Indian Salt Act, power to impose salt tax to the extent of Rs. 3, and as they know also that it is a tax which presses heavily upon the poorest of the poor in this country, they do not want to take the responsibility on their own shoulders of levying this tax, but they want the instrumentality of this House to throw that sword on the neck of those poor people. They ask, therefore, through this Finance Bill to legislate before a certain tax is levied upon those poor people. If they had reserved their power to themselves and if they had gone on levying the salt tax without reference to the popular Assembly, as this is often called, then they would have taken upon themselves the entire opprobrium, the entire notoriety, the entire curses of the people of this country. In order to have the peoples' representatives also to share with them these curses, the Government have begun to place this Finance Bill before the Assembly. I say, therefore, if they ask us to share with them those curses, let them also co-operate with us in seeing that the curses are reduced, that the difficulties and hardships which are experienced by the poor people are reduced to a minimum, let them try and alleviate their miseries.

Now, Sir, the question of the salt tax is unfortunately not given the importance in this House that it deserves. In this matter, Sir, I am not prepared to throw the entire blame upon the Government Benches alone. I wish to apportion that blame on the peoples' representatives also. I would call that contributory culpability on the part of the peoples' representatives responsible for this. People boast in this Assembly or on public platforms that they represent the poor people; they are shedding tears for the sufferings of the poor, and yet, when the question of salt tax comes before the House, where are they? And there has been an attempt, even today, to see the House fail for want of a quorum. I am sorry to say, Sir, whether they are members of my party or of any other party, that there has been an attempt to evade their duty in this matter, and I am sorry to say there is a good deal of contributory culpability on the part of the peoples' representatives; because if all the people, with one united voice, had attached that importance to it which the subject requires. I am sure the salt tax would have been abolished long ago.

Now, Sir, in the first instance, I wish to place one aspect of the matter before the House, before I go into the hardships of the poor people. I first consider it as a most humiliating thing that a necessary article of food should be taxed in any country. I call it melancholy meanness to go and tell a poor man, when he has to drink a cup of gruel, "first pay my

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tax and then drink your cup of gruel." It is unimaginable that there should be a tax levied upon a necessary article of food, and it is well known that, in a country like this, the poorest of the people are those who take the greatest amount of salt. Their food does not contain the salt which the food of the rich people may contain in other ways. The rich man may have his salt in various other articles of food which he takes, but that is not the case so far as the poor man is concerned. I therefore consider it a most humiliating thing that a tax should be levied on one of the most necessary articles of food.

Sir, we have, on the floor of this House, heard cries of humiliation with reference to the cotton excise duty. Merchant princes of Bombay raised a hue and cry on the floor of this Assembly and said that it was not for the sake of money that they were fighting, but for the sake of humiliation that they were subjected to on account of the cotton excise duty. Sir, if the levy of the cotton excise duty, on the textiles, the profits of which go to the rich man's pockets, is a humiliation to this country, I ask, is it not a thousand times greater humiliation that, in this country, every poor man should be asked to pay for the necessary article of his food? I therefore consider it highly humiliating, and I asked my Honourable friend, the Finance Member over there, whether there are any countries in this world which levy this salt tax. Sir, My Honourable friend gave me an answer—it is a very recent question that I put. The question was this:

"Will Government be pleased to state which other coastal countries in the world levy any duty on salt and the rate of such duty?"

This was on the 29th January 1929.

The Honourable the Finance Member replied as follows:

"The Governments of the following countries levy taxes on salt:

Brazil,
Bulgaria,
France,
Netherlands,
Venezuela.

I must leave it to the Honourable Member to say which of these countries are covered by his term 'coastal countries'. The Government of India have no up-to-date information as to the rates of tax levied by the Governments mentioned in the second list."

Well, Sir, it is really regrettable that the Government of India have not up-to-date information as to the rates of taxes levied by the Governments mentioned in the second list. Sir, with all the huge machinery that they command, it is really surprising that they are not in a position to say what the rate of duty is in those five countries which have been named.

Now, Sir, I have been driven to search out some information on this head. I may take first, Sir, the important country which has been mentioned,—that is France. At page 75 of this book, the *Financial Crisis of France* by George Peel, written in 1925, he says this:

"As regards the salt tax, this was the oldest tax in France, dating, it is said, from the days of Philippe de Valou's in the fourteenth century, and known under the name of *gabelle*, meaning a gift or *gabe*. This tax, it need not be said, was levied

with the grossest injustice and inequality prior to the Revolution. There were regions of the great *gabelle*, of the small *gabelle*, regions redeemed of the *gabelle* and regions which had always been exempt from the imposition. One of the most distinguished of French economists, writing in 1876 said the average daily pay of an agricultural labourer was 60 centimes. From this it may be deduced that salt tax in the regions of the great *gabelle* was as high as one tenth of the whole of the labourer's revenue. The Revolution, of course, abolished this tax, but it was soon re-established in 1806. By 1872 the salt tax was so modified that it was equivalent only to one franc per head of the population, a mere trifle."

That, Sir, is the present condition of France, and the Honourable the Finance Member does not strengthen his position by putting forward France as a great ideal for levying a rate of Rs. 1-4-0 per maund in this country. My amendment asks for eight annas duty; it is not a trifle; it is much more than that; it is something very substantial so far as we are concerned. The next country to which I can make some reference, because I have had the benefit of some information, at least from the Library of the Assembly, is Venezuela, which is one of the countries mentioned by him. In Venezuela, as I find, from the 1926 Statesman's Year-book, it occupied the fourth rank in the revenue sources of that country, whereas our salt tax here occupies the third rank. But in 1928 salt became a Government concern there and the salt tax is there no more. (*An Honourable Member*: "Hear, hear.")

Then, we are told that the salt tax has a political significance in the sense that it is a tax which all people will pay, every one will universally pay. I am not referring today at any length to the old hag theory of the Duke of Argyll or the demolition of it by Professor Gokhale. Mr. Gokhale in the Imperial Legislative Council has often demolished that theory; only he made an exemption with reference to the income-tax and the opium revenue. He said, excepting for the matter of opium revenue of this country, and the income-tax, all other sources of Government revenue are contributed by the poorest man. I would ask the Honourable the Finance Member to make a reference to those speeches, but with reference to those two exceptions I wish to tell him that the opium revenue is also contributed by the poorest people of this country. We have had very very sorry and sad accounts of how persons working in factories in Bombay have been administering opium to their children, to their babies in order to prevent them from crying when they are working in the factories. The poorest of wage-earners also are contributing to the opium revenue of this country.

As for income-tax, as my Honourable friend, Pandit Nilakantha Das, has stated, there again it is the poorest man that pays. It is the poor man that borrows and though it is the rich man's hand that pays, it is the poor man's purse that really pays. Therefore, Sir, there is absolutely no exception to the various sources of revenue being contributed by the poorest man in this country. Then why advance the theory that, but for the salt tax, the poorest people will escape? As for the political significance in a country which is not a self-governing country, of every man sharing the taxation and feeling the responsibility of the State,—if that be the fullest implication of the political significance of it—I will only read to you a short passage from the "Government of India" by Mr. Ramsay Macdonald:

"The Salt Tax has long been regarded as a blemish on our Indian fiscal system. . . .

The Salt tax is exaction and oppression; and if the people understood it, it would only breed discontent. It is a survival of the general exploitation of India's poverty by a profit-making Company. The argument for its retention illustrates the error

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so prevalent in India, of assuming that the political wisdom of a Western self-governing State is also political wisdom in an autocratically or bureaucratically governed one, and that a bureaucracy has the same right to impose burdens on a people that a representative Legislature has. The payers of the Salt Tax have no more to say in Indian policy than the man in the moon, and the price of their salt has no more influence on the bureaucracy than the cost of their weddings."

Therefore, there is absolutely no political significance about it. People who pay the salt tax are not feeling the responsibility of this Government, are not allowed to feel the responsibility of the Government, and there is no sense of nobility or magnanimity about it. On the other hand, positively it is a humiliating tax. I ask, if there be no other ground for it, at least on this ground, is it not the duty of the Government to relieve the people from that humiliation?

Now, I come to the hardships of the tax. The hardship of the tax has been pleaded before you on the ground of the extreme poverty of the people in this country. My Honourable friend, Mr. Mukhtar Singh, yesterday was quarrelling with the Honourable the Finance Member as to why he advises thrift to persons who have reduced their expenditure to an irreducible minimum, who are absolutely poor. But the Honourable the Finance Member is not to blame for that. The Honourable the Finance Member gets his information about the people of this country from that Bureau of Public Information, the head of which is Mr. Coatman. Shall I read out to you a page—page 95—of his wonderful publication, and who can resist the temptation of coming to the conclusion which the Finance Member, new as he is to this country, has done? Before I quote it, I am surprised to find that one important item, which is made a test of the richness of people, is the cigarettes that are smoked.

"Anybody whose direct acquaintance with India extends over a period of 20 or 30 years will have no hesitation in saying that India has, on the whole, prospered during that period, and if he were pressed to account for his belief he would point to a number of signs, each of them, no doubt, unimportant when considered separately, but, when taken together, found to be fairly convincing. Railway statistics for example, show that even the poorest sections of the people can afford to travel much more than in the past. Again, cigarettes, mineral waters and other simple luxuries are now enjoyed by the masses."

I would ask if my Honourable friend Mr. Coatman were here, how many cigarettes he exchanged with these masses.

Diwan Chaman Lall: He is here.

Mr. C. Duraiswamy Aiyangar: He is concealing himself somewhere.

"Savings bank deposits and membership of co-operative societies are continually increasing, showing that more and more of the people are able to save a little and put it by for hard times."

One other passage I may read from his wonderful book, page 146. And when I was telling the substance of it to my Honourable friend, Sir Purshotamdas Thakurdas, he would never believe that such a statement was made in a responsible book like this. The mistake lies in considering it responsible. At page 146 he says:

"It is, however, certain that the problem of unemployment in India is very different from the corresponding problem in England. In this country there is unemployment from time to time in particular industries, but normally all the labour available can be absorbed and, very often, the trouble is not to find work for the workless, but to find workers for the work."

Diwan Chaman Lall: Where does he get it from?

Mr. C. Duraiswamy Aiyangar: You are fighting about one statement about Mr. Jinnah. Why don't you attack him on these points.

"When we talk of unemployment in India, what we have in mind usually is the unemployment among the educated classes, and there is not the least doubt this constitutes a problem which is becoming more and more serious every year".

So, according to Mr. Coatman, the problem of unemployment in this country is only among the graduates, among those who pass university examinations, but among the masses there is no question of unemployment. The difficulty that he finds is more to get people for the work and not get work for the people. That, Sir, is the study which he has made of the conditions in this country, and he is entrusted with the task of preparing a moral and material progress report year after year and putting it into the hands of the Secretary of State, to throw dust in the eyes of the members of Parliament in England. ("Shame.") Two sentences will do instead of this big book. There can be no moral progress in this country so long as opium and liquor are prevalent in this country. There can be no material progress in this country so long as our friends in England are exploiting all the industries in India. Two sentences will do for describing the moral and material progress of this country. Now, Sir, if the House agrees with me that the people of this country are really poor, that the problem of unemployment stares them in the face, and that Mr. Coatman, who is fully employed, is not an authority for speaking upon the unemployment of persons in these villages, then I proceed further to say that the salt tax imposes a very heavy burden upon the poor people of this country. Now, Sir, very often statements proceeding from me would receive some weight if they are supported by some authorities and if the authorities happen to come from their own men, they are probably a little more weighty, because they were given at a time when they were never considered as communists. They considered them as good citizens of England. Mr. Fleming, in his evidence on the 5th March, 1930, before the Parliamentary Select Committee, said:

"I am of opinion they would consume more if it were cheaper."

John Crawford said:

"I should think, upon the whole, that there is no country in the world in which salt, at the present moment, is higher priced than it is in Bengal in reference even to its absolute price and still more in reference to the capacity of the people who are consumers of it."

Then, Sir, Alexander Reed, a Cheshire salt manufacturer was asked a question:

"Is it not natural that consumption should be much greater in a country where salt meats are not necessary where bread, butter and cheese, which in this country are fully impregnated with salt, are not the common food of the people? Do you understand the question?"

He replied:

"I do understand it. It is difficult to prove it. But I should say, supposing a person in this country consumed 12 lbs. a year and the same individual were to go in a hot climate with the same food as is given to the inhabitants of India and that the supply of salt were as free then the consumption will be double that quantity i.e., 24 lbs."

Mr. President: What year was it?

Mr. C. Duraiswamy Aiyangar: It was in the Parliamentary Select Committee in 1830. I do not know how the date becomes of significance here

Mr. President: Great significance.

Mr. C. Duraiswamy Aiyangar: When human nature has been the same. Now, Sir, I shall not trouble this House with any long history. I will ask my Honourable friend, the Finance Member, to remember certain figures. We have all along been speaking of salt as being only necessary for human beings. I shall put that before him first. There are 300 millions of people in this country. Of course the figure comes up to 318 or 320 millions. My Honourable friend, Mr. Lloyd, who is not in the Assembly now, but who is adjacent to it, asked me to deduct the number of babies and I have deducted 18 millions. It does not matter. Taking the 1921 census figures, there are 300 millions of people. There have been 9 years after that, and I am quite sure that, in these nine years, there has been at least some increase of population, but that is another matter. I will refer to that later on. For 300 millions, taking the average of 15 pounds per head, because 17 pounds is the jail diet in Madras—the figures in India range from 10 pounds to 18 pounds per head according to provinces, you must have a supply of at least 4,500 million pounds of salt every year. Next let us take the number of cattle. I take the figures of cattle from the Royal Agricultural Commission's report, but before I give the figures, let me satisfy the House that, according to all authorities, cattle require salt in a large degree than men for keeping up their health. I do not know where my friend, Dr. Hyder, is today but I shall refer to him presently. Dr. Ratan says, salt is a good prophylactic or preventive of diseases. Mr. Arthur Young points out that 7 annas a head is the minimum estimate for salt to cattle. Mr. Robertson, who was once asked to report on the Coimbatore Agricultural College in Madras, says:

"The high price of Salt in India is a serious drawback on agriculture. In England good agricultural salt for the use of stock or for use as manure can generally be purchased at about 30s. per ton, similar salt costs in this Presidency (Madras) about Rs. 50 per ton. Live stock cannot be maintained in good health, unless they have frequent and regular access to salt."

Now, Sir

Mr. President: Order, order. I think the Honourable Member is bound to take long. The House stands adjourned till tomorrow morning at Eleven of the Clock.

The Assembly then adjourned till Eleven of the Clock on Friday, the 22nd March, 1929.

LEGISLATIVE ASSEMBLY.

Friday, 22nd March, 1929.

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

QUESTIONS AND ANSWERS.

DATES FROM WHICH REDUCTIONS IN FREIGHTS ANNOUNCED IN THE RAILWAY BUDGET WILL BECOME EFFECTIVE.

1174. *Sir Purshotamdas Thakurdas: Will Government be pleased to state the dates from which reductions in freight rates announced by the Honourable the Commerce Member in his Railway Budget this year are to come into force?

The Honourable Sir George Rainy: The reductions, with the single exception of coal, will come into force from the 1st of April next. I am afraid there will be a slight delay as regards coal, as the revised rates from collieries to stations to which traffic is booked, are still being worked out. As soon as the new rate tables are ready, the new rates will be brought into force.

Sir Purshotamdas Thakurdas: Can the Honourable Member indicate approximately the date when the new rates for coal will come into force?

The Honourable Sir George Rainy: I am afraid that any date I could give would be misleading.

Sir Purshotamdas Thakurdas: Not even approximately?

The Honourable Sir George Rainy: I certainly hope it will not be very long.

Sir Purshotamdas Thakurdas: May I take the 1st of May will do?

The Honourable Sir George Rainy: Not later than the 1st May. I would like it to be understood however that I can give no absolute promise.

INVIDIOUS DISTINCTIONS BETWEEN INDIANS AND EUROPEANS IN THE MATTER OF ACCOMMODATION IN RAILWAY COMPARTMENTS.

1175. *Maulvi Muhammad Yakub: (a) Has the attention of Government been drawn to a letter of Mr. Chandra Dutta Pandey, Professor, Kashi Vidyapith, Benares, published in the *Leader*, dated the 6th March, 1929?

(b) What action, if any, have Government taken in this matter? If not, why not?

(c) Do invidious distinctions exist between Indians and Europeans in the matter of accommodation in the Railway compartments? If so, do Government propose to take immediate steps to abolish these distinctions?

Mr. P. R. Rau: (a) Yes.

(b) and (c). No action has been taken by Government on this letter, as it does not disclose any infringement of the expressed policy of Government, which was fully explained in the speech of the Honourable Sir Charles Innes in this House on the 30th of January, 1925. The position at present is that, on a few railways, one small third class compartment is reserved for Europeans and Anglo-Indians on mail and fast passenger trains, and that Railways have been instructed to raise no objection to passengers wearing European dress occupying such a compartment.

DISMISSAL BY AN OFFICIAL OF THE EAST INDIAN RAILWAY AT MORADABAD OF FIVE EX-ODUH AND ROHILKHAND RAILWAY EMPLOYEES.

1176. *Maulvi Muhammad Yakub: (a) Are Government aware that one, Mr. Abel, a Running Shed Foreman at Moradabad, was charged for abusing a subordinate of his before a Magistrate? Are Government also aware that on the discharge of Mr. Abel by the Court, the complainant and five prosecution witnesses were dismissed from service by the Divisional Superintendent of Moradabad? Is it a fact that the Divisional Superintendent is an East Indian Railway official and the accused and his five witnesses were all old Oudh and Rohilkhand Railway employees?

(b) Do Government propose to take any steps in the matter? If not, why not?

Mr. P. R. Rau: I am making inquiries from the Agent and will communicate with the Honourable Member on receipt of his reply.

PROVISION OF HINDU COOKS AND WATERMEN FOR DRIVERS' RUNNING ROOMS AT ALIGARH AND LHAKSAR.

1177. *Maulvi Muhammad Yakub: Are Government aware that Hindu cooks and watermen have been removed from the drivers' running rooms, Aligarh and Lhaksar, to the great inconvenience of the drivers, firemen, etc.? If so, do Government propose to issue orders for providing at least one servant in each of these rooms?

Mr. P. R. Rau: Government have no information, but I am sending a copy of the Honourable Member's question to the Agent.

APPOINTMENT BY THE EAST INDIAN RAILWAY OF HIGHLY PAID EUROPEAN RUNNING SHED FOREMEN IN PLACE OF PREVIOUS INDIAN SHEDMEN AT CERTAIN STATIONS IN THE MORADABAD DIVISION.

1178. *Maulvi Muhammad Yakub: Are Government aware that during the administration of the old Oudh and Rohilkhand Railway, Indian Shedmen getting salaries from Rs. 80 to Rs. 120, were posted at Bareilly, Dehra Dun and Khan-alam Pura in the Moradabad Division, and since the administration of the East Indian Railway, European Running Shed Foremen, drawing salaries from Rs. 500 to Rs. 600, are posted on the stations mentioned above to do the same work? Will Government be pleased to state what is the reason for appointing high salaried European Foremen when Indians are available to do the same work on a smaller salary?

Mr. P. R. Rau: Government have no information, but are inquiring into the matter.

PROVISION OF HIGH SCHOOLS FOR THE CHILDREN OF RAILWAY EMPLOYEES AT MORADABAD AND LUCKNOW.

1179. *Maulvi Muhammad Yakub: (a) Are Government aware that there are no high schools for the education of the Indian Railway employees' children at Moradabad and Lucknow where the population of Indian Railway employees is sufficiently large?

(b) Do Government propose to issue orders for opening high schools inside the colony of the Indian employees at the stations mentioned above?

Mr. P. R. Rau: (a) Yes.

(b) No. I would refer the Honourable Member to the statement of the future policy of Government in this matter, which was laid on the table of the House on 19th February, 1929.

GRIEVANCES OF INDIAN TRAIN EXAMINERS.

1180. *Maulvi Muhammad Yakub: (a) Are Government aware that two unqualified Europeans, Laveigne and Rose, were given direct appointments as train examiners in classes A and C, respectively, and the claims of old experienced and qualified Indian train examiners, namely, Messrs. Mulak Raj, Khunani Singh and Sardar Kehar Singh, were ignored?

(b) What steps do Government propose to take to remove the grievances of the above-mentioned Indian train examiners? If not, why not?

Mr. P. R. Rau: Government have no information but are making inquiries.

FIXING OF A DATE FOR THE PAYMENT OF SALARIES OF INDIAN EMPLOYEES IN CERTAIN DEPARTMENTS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

1181. *Maulvi Muhammad Yakub: (a) Are Government aware that Indian Railway employees in the Moradabad Division belonging to the Engineering, Loco. and Traffic Departments do not receive their monthly salary until the 3rd week of the next month, and no date is fixed for the payment of their salary, as is done in the case of European and Anglo-Indian employees?

(b) Do Government propose to issue instructions that a date should be fixed for the payment of salaries to these employees and that in no case should the payment be delayed after the first week of every month?

Mr. P. R. Rau: I have asked the Agent, East Indian Railway, to let me have a statement of the exact position, and shall communicate with the Honourable Member on receipt of a reply.

NUMBER OF MUSLIMS EMPLOYED IN THE MILITARY ACCOUNTS DEPARTMENT.

1182. *Mr. Muhammad Ismail Khan: (a) Is it not a fact that 4,573 clerks are employed in the Military Accounts Department and that of these only 382 are Muslims?

(b) Do Government intend to adopt special measures to increase the number of Muslim clerks and accountants, and if so, how do they propose to do it? Do Government intend (i) to confine the future direct-filling up of temporary clerks' vacancies to Muslims only, and (ii) to reserve an adequate number of vacancies in the posts of accountants for qualified Muslim clerks of the Department, till their representation in the Department reaches the desired limit?

The Honourable Sir George Schuster: (a) The figures quoted by the Honourable Member represent the total number of accountants and clerks—permanent and temporary—employed in the Military Accounts Department throughout India in September, 1928. There has been no material change since that date.

(b) Under existing orders, vacancies in the accountants' grade are filled by promotion of clerks who have passed the prescribed Departmental examination, and vacancies in the permanent clerical grade are filled by the promotion of qualified temporary clerks, of whom large numbers exist, who have served for several years in the Department. Other qualifications being equal, such promotions are made in order of seniority, irrespective of community. In at least one out of every three temporary vacancies, for which fresh recruitment is necessary, a member of a minority community is entertained, if available and duly qualified. It will thus be seen that eventually one out of every three permanent appointments will pass to a member of such a community. This represents the policy adopted by the Government of India after most careful consideration.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether, in view of the paucity of Anglo-Indians in this Department, he would consider the desirability of sending a copy of the Government Gazette announcing these appointments to the Principals of the several European schools in India and Burma?

The Honourable Sir George Schuster: I think I must ask my Honourable friend for notice of that question, Sir.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us on what statutory or other basis do Government fix the nomenclature of the majority or minority communities in India?

The Honourable Sir George Schuster: I think that also is a question which I will be glad if my Honourable friend will give me notice of. I am not prepared to answer it off-hand.

EMPLOYMENT OF MUSLIMS IN THE GENERAL SECTION OF THE MILITARY ACCOUNTS DEPARTMENT.

1183. ***Mr. Muhammad Ismail Khan:** Will Government be pleased to refer to the list of the establishment of the Military Accounts Department in India and state:

- (a) the number of Muslim clerks and accountants deputed to work in the general section in the Department in the years 1926, 1927 and 1928; and
- (b) why, with one or two exceptions, qualified Muslim clerks and accountants have not been allowed to work in those sections?

The Honourable Sir George Schuster: (a) The number of Muslim Accountants and clerks employed in the general sections of the offices of the Military Accounts Department during 1926, 1927 and 1928 was as shewn below:

			Accountants.	Clerks.
1926	..	..	2	5
1927	..	..	1	4
1928	..	..	1	1

(b) Muslim members of the Military Accounts Department are in no way debarred from employment in the general sections of the offices of the Department. The distribution of establishment amongst the various sections of an office is a matter of internal administration, which is left to the head of each office, according to what he thinks best in the interests of efficiency, and if no Muslim clerks happen to be employed in one particular section, it is purely a fortuitous circumstance.

PRINCIPLE ADOPTED FOR RECRUITMENT OF TEMPORARY CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

1184. ***Mr. Muhammad Ismail Khan:** Will Government be pleased to state on what communal principle the direct recruitment of temporary clerks is based in the Military Accounts Department in India?

The Honourable Sir George Schuster: The general principle is that, with due regard to the communal composition of any office from time to time, one out of every three vacancies should ordinarily be filled by a candidate from the minority communities, if available and adequately qualified.

NOTIFICATION OF TEMPORARY VACANCIES IN THE OFFICE OF THE CONTROLLER, MILITARY ACCOUNTS, PESHAWAR.

1185. ***Mr. Muhammad Ismail Khan:** Is it a fact that the Controller, Military Accounts, Peshawar, in paragraph 6 of his letter No. G./74/29671, dated the 9th November, 1928, addressed to the Local Association, has refused to notify vacancies of temporary clerks' appointments to that institution? If so, will Government be pleased to state whether the Controller's refusal is or is not a compliance with the instructions conveyed to him by the Financial Adviser in his letter No. 1482, dated the 13th February, 1926, on the subject?

The Honourable Sir George Schuster: Information has been called for and a reply will be furnished to the Honourable Member in due course.

APPOINTMENT OF MUSLIMS IN THE MILITARY ACCOUNTS DEPARTMENT.

1186. ***Mr. Muhammad Ismail Khan:** Will Government be pleased to state:

- (a) the number of vacancies of temporary clerks and accountants which occurred in the Military Accounts Department during the financial years 1926, 1927 and 1928, and the number of appointments given to the Muslims; and

- (b) what particular action have Government taken to bring the representation of Muslims in the service to the required proportion as instructed in general Circular Letter No. 33846/1 (A. D.), dated the 19th November, 1926, from the Establishment Officer, Government of India, Army Department, to all heads of Military Departments in India?

The Honourable Sir George Schuster: The particulars required by the Honourable Member are being collected and will be furnished to him in due course. They will indicate how far it has been possible to carry out, in the Military Accounts Department, the particular orders of Government to which the Honourable Member has referred.

APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE CONTROLLER, MILITARY ACCOUNTS, PESHAWAR.

1187. ***Mr. Muhammad Ismail Khan:** Will Government be pleased to state:

- (a) the number of vacancies of temporary clerks which occurred in the Office of the Controller, Military Accounts, Peshawar, in the past four months; and
- (b) if it is not a fact that only one Muslim candidate was taken from among twelve graduates, etc., recommended by the Local Muslim Association?

The Honourable Sir George Schuster: The necessary information has been called for and will be furnished to the Honourable Member as soon as possible.

EDUCATIONAL QUALIFICATIONS FOR RECRUITS IN THE MILITARY ACCOUNTS DEPARTMENT.

1188. ***Mr. Muhammad Ismail Khan:** (a) Is it a fact that the Financial Adviser (Military Finance) in paragraph 6 of his letter No. 565-Accounts, dated the 15th October, 1928, addressed to the Military Accountant General, has issued the following instructions:

"The Government of India desire that in the interests of the efficiency of the Military Accounts Department particular attention should, hereafter, be paid by the Controllers to the educational qualifications of candidates and that every endeavour should be made by them to recruit, in future vacancies wherever possible, men who have passed the B. A. or Intermediate examinations in preference to those with the minimum educational qualifications referred to above."

(b) If so, have Government considered the present backward condition in education of Muslims generally and of those residing in the North West Frontier Province, and Baluchistan particularly, and the hardship which will be entailed on them if the large number of matriculates are not allowed to be admitted in the Department as heretofore? If not, are Government prepared to do so, and to relax the restrictions referred to above so far as the two provinces mentioned above are concerned?

The Honourable Sir George Schuster: The reply to the first part is in the affirmative. I must, however, take occasion to point out that an irregularity has apparently occurred in the placing in the Honourable

Member's hands of a copy of the Finance Member's letter which has not been published, and in such a case I should have preferred the Honourable Member to refer to me privately before putting a question.

In regard to the second part of the question the Honourable Member will observe that the orders are not absolute, but leave discretion to the appointing authority so that he could select men with the minimum qualifications in localities where candidates with higher qualifications are not forthcoming. I am prepared to make inquiries as to how the instructions, referred to have operated in practice.

CONGESTION OF PESHAWAR CITY.

1189. ***Mr. Muhammad Ismail Khan:** (1) Is it a fact that:

- (a) a house to house search was recently conducted in the town of Peshawar under the orders of the Chief Medical Officer, North West Frontier Province, and it was discovered that 3,000 tuberculosis cases had actually been present in that city; and
- (b) the Chief Medical Officer has given congestion of the city as one of the main reasons for the spread of tuberculosis and has asked for a special hospital at Peshawar, and a sanitarium at Haripur?

(2) Will Government be pleased to state when the wall round Peshawar City was built and by how much the population has increased within its enclosures since its construction?

(3) Is it a fact that:

- (a) since the wall was built, no efforts were ever made to remove the congestion by expansion of the city?
- (b) owing to insecurity of life and property, no one can reside outside the wall and start an extension of the town unless and until the area is first made secure by barbed wire perimeter and police patrol and postal arrangements?
- (c) the Cantonment of Peshawar is being guarded as mentioned in (b) above?

(4) Is it a fact that the Municipality has decided to add about 20 acres of land to the city and, if so, how many houses can be built thereon?

(5) Have Government considered whether this is adequate to prevent the present congestion?

Mr. G. S. Bajpai: (1) (a) and (b). Yes.

(2) The required information is not readily available.

(3) (a) A scheme for the extension of the Peshawar City is under consideration.

(b) A large number of persons actually reside outside the wall of the city of Peshawar.

(c) The Cantonment of Peshawar is surrounded by a perimeter wire.

(4) The city extension scheme at present under consideration is intended to provide for the addition of about 20 acres of land and 400 houses.

(5) Experience alone can show, Sir, whether the proposed extension is adequate. Honourable Member must also recognise that the measure of the relief which the Municipality can provide depends upon its financial resources. Government propose, however, to ask the Local Administration for a full report on the subject.

FOUNDING A CIVIL STATION OUTSIDE PESHAWAR CITY.

1190. ***Mr. Muhammad Ismail Khan:** (a) Is it not a fact that the Deputy Secretary, and subsequently the Secretary to the Government of India, Military Department, proceeded to Peshawar to discuss the matter of accommodation in Peshawar Cantonment with the House Owners' Association?

(b) Is it not a fact that it was proposed by the Secretary to the Government of India, Military Department, at the interview that the military authorities will arrange with the Local Government for the formation of a civil station and for such guarding and other arrangements of the same as the Cantonment itself if the house-owners so wished?

(c) Will Government be pleased to state whether they have decided to found a civil station outside Peshawar City or not?

Mr. G. M. Young: The Honourable Member is referred to the answer given in this House on the 18th March 1929 to parts (d), (e) and (f) of starred question No. 1104 asked by Diwan Chaman Lall, and the answer just given by my Honourable friend the Education Secretary.

ACQUIREMENT OF PROPERTIES FOR MILITARY OFFICERS AND OFFICES IN INDIA.

1191. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government please state how many properties they acquired under section 11 (c) of the Defence of India (Consolidated) Rules, 1915, for the occupation of military officers and offices in India?

(b) Have they paid compensation in all cases?

(c) How many claims were rejected?

(d) Were there any claims from the lessees conveyed under section 105 of the Transfer of Property Act?

(e) If so, why were such also rejected?

(f) Will Government be pleased to place the draft rules and other connected papers on the table of the House?

Mr. G. M. Young: I presume the Honourable Member is referring to the acquisition of certain houses in Poona under the Defence of India Rules in 1917 and 1918. If so, the replies to the various parts of his question are as follows:

(a) 23.

(b) Yes.

(c) None.

(d) Yes.

(e) Because Rule 11-C (2) of the Defence of India (Consolidated) Rules, 1915, provided for the payment of compensation to the owner of a building requisitioned for military purposes and not to the lessee.

(f) Copies of the Rules can be obtained on payment from the Manager, Central Publication Branch, Calcutta. Government are not prepared to lay the papers underlying these rules on the table of the House.

CIRCULATION OF THE REPORT OF THE FLETCHER COMMITTEE ON MEDICAL RESEARCH.

1192. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government be pleased to state whether the Report of the Fletcher Committee on Medical Research had been circulated for opinions amongst several Provincial Governments, universities and the medical profession in India before any decision on matters of policy and administrative details were arrived at?

(b) If such opinions have been received, will Government be pleased to lay them on the table of the House, showing how far the opinions received have been given effect to?

(c) If the opinions have not been given effect to, will Government please state the reasons why such expert opinions have been disregarded?

Mr. G. S. Bajpai: (a), (b) and (c). The Honourable Member is referred to my reply to part (b) of starred question No. 1054 asked by Mr. Aney on the 14th instant.

AMOUNT OF SUNDAY PENALTY FEES COLLECTED AT CERTAIN PORTS DURING THE LAST FIVE YEARS, AND METHOD OF ITS ALLOTMENT.

1193. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

(a) the amount collected as Sunday penalty fees at the ports of Bombay, Karachi, Calcutta, Madras and Rangoon during each of the last five years;

(b) the amount contributed at each of the ports during the last five years out of the Sunday penalty fees fund towards institutions connected with the welfare of (i) Indian seamen, (ii) European seamen and (iii) Customs officers?

The Honourable Sir George Schuster: A statement giving, as far as possible, the required information is laid on the table. The names of the Seamen's and other institutions which receive grants from Sunday penalty fees have been given in the statement. Some of the institutions, as their names indicate, are concerned with the welfare of Indian lascars and some with that of European seamen. As regards others, the Government of India are unable to say definitely which of them confine their welfare activities to Europeans alone, or to what extent they include Customs officers among the beneficiaries.

Statement showing the Sunday penalty fees realized at the principal ports during the last five years and contributions made therefrom to charitable institutions and Customs Clubs.

	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.
BOMBAY.	Rs.	Rs.	Rs.	Rs.	Rs.
Fees realized	79,200	59,150	56,450	71,800	1,00,000*
Payments to officers out of the fees (including Crown overtime).	56,071	66,217	66,659	68,644	80,000*
Balance available for payments to charities, Customs Clubs, etc.	23,129	—7,067	—10,209	3,156	20,000
Payments to charities, etc.—					
Lascars' Home	10,000	10,000	10,000	5,000	10,000
Prince of Wales Seamen's Institute.	3,000	3,000	3,000	1,500	3,000
Bombay Education Society	..	..	..	..	1,000
Customs Institutions .	12,200	7,200	7,200	10,700	10,700
Total payments . . .	25,200	20,200	20,200	17,200	24,700
KARACHI.					
Fees realized	15,000	7,400	11,800	20,000	21,000*
Payments to officers out of the fees (including Crown overtime).	42,000	60,149	53,589	49,504	38,000*
Balance available for payment to Charities, Customs Clubs, etc.	—27,000	—52,749	—41,789	—29,504	—17,000
Payments to charities, etc.—					
Customs Recreation Club .	2,520	2,520	2,520	..	2,520
Maternity and Child Welfare Centre, Keamari.	1,000	1,000	1,000	1,000	1,000
Civil Hospital Aid and Nursing Association, Karachi.	..	..	2,000	..	2,000
Total payments . . .	3,520	3,520	5,520	1,000	5,520

* Estimated amount.

	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.
CALCUTTA.	Rs.	Rs.	Rs.	Rs.	Rs.
Fees realized	1,47,010	1,27,640	1,50,960	1,94,840	1,78,000*
Payments to officers out of the fees (including Crown overtime).	88,853	87,011	97,527	93,023	90,000*
Balance available for payments to Charities, Customs Clubs, etc.	58,157	40,629	53,433	1,01,817	88,000
Payments to charities, etc.—					
Customs Club, etc. . . .	..	11,760	11,760	11,700	11,520
Sailors' Home	†10,000	..	..	..	..
Medical Aid Fund . . .	†10,000	..	..	..	..
Diocesan Seamen's Institute.	†5,500	..	..	..	..
District Charitable Society.	†14,500	†7,500	..	..	..
Seamen's Mission, Kidderpore.	†4,500	..	..	..	..
Bengal Welfare Committee .	..	32,000	35,000	30,000	30,000
Charitable Dispensaries at the Budge Budge and Kidderpore Docks.	280	280	280	280	280
Total payments	44,780	51,540	47,040	41,980	41,800
MADRAS.					
Fees realized	11,200	27,025	27,675	41,800	50,000*
Payments to officers out of the fees (including Crown overtime).	25,261	36,411	43,079	40,546	41,200*
Balance available for payments to charities, Customs Clubs, etc.	—14,061	—9,386	—15,404	1,254	8,800
Payments to charities, etc.—					
Customs Benefit Fund . .	..	1,000	1,000	1,000	2,000
Port Staff Club	..	2,000	2,000	1,000	1,000
Total payments	..	3,000	3,000	2,000	3,000

* Estimated amount.
Distribution now made through Bengal Welfare Committee.

The Honourable Sir George Rainy: (a) Government have seen the reply in the House of Commons Debates.

(b) and (c). I think the Honourable Member may rest assured that a copy of the Report of the Load Line Committee will be sent to the Government of India.

CLAIMS OF INDIAN SEAMEN WHO SUFFERED BY ENEMY ACTION DURING THE WAR.

1197. ***Mr. Sarabhai Nemchand Haji:** (a) Has the attention of Government been drawn to the Resolutions passed at the last General Meeting of the Indian Seamen's Union held at Calcutta in connection with the payments to Indian seamen under the German Reparation award of the 1st September, 1922?

(b) Is it a fact that the Indian Seamen's Union, who, in this connection, represented the claim of the Indian seamen, were not informed of the last date fixed by Government for submission of claims under the award?

(c) Is it moreover a fact that most of the Indian seamen likely to benefit under the award were absent on the high seas for long periods?

(d) Do Government propose, under the circumstances, to issue instructions for the acceptance by the offices concerned, of the claims of Indian seamen who suffered by enemy action during the Great War though they are received after the fixed date?

The Honourable Sir Brojendra Mitter: (a) The reply is in the affirmative.

(b) The Government of India left it to the Shipping Master, Calcutta, to notify the last day for submitting claims. He reported that he had done so by fixing notices on the office Notice Boards at the Calcutta and Kidderpore Shipping Offices. He did not forward the notice to the Indian Seamen's Union as office bearers of the Union are frequently in attendance at the Shipping Offices and are conversant with all notices posted on the Office Notice Boards.

(c) It is probable that many seamen eligible to receive compensation have been absent at sea for long periods during the time in which claims could have been submitted, but it is improbable that any of them have been absent all the time.

(d) After careful consideration of all the circumstances, however, the Government of India have decided to fix the 31st March, 1931, as the final date for the receipt of claims from lascar seamen, and instructions are being issued to the Shipping Master, Calcutta, for the publication by him of the necessary notice and to inform the Seamen's Union concerned of the extension granted.

Mr. K. Ahmed: Do Government propose to invite applications by advertisement in the vernacular papers in the locality of these places, in East Bengal and Assam particularly, where these lascar seamen exist in large numbers, so that they may be able to know within which time they are to submit applications for their claims?

The Honourable Sir Brojendra Mitter: The suggestion made will be communicated to the Shipping Master, Calcutta.

AMOUNT OF CLAIMS AGAINST ENEMY POWERS MADE AND OBTAINED BY (1) INDIAN SEAMEN AND (2) OTHER SEAMEN.

1198. ***Mr. Sarabhai Nemchand Haji:** Will Government please state the total amount claimed, obtained and distributed from the enemy powers on account of:

(a) seamen within the British Empire irrespective of race or colour; and

(b) Indian seamen?

The Honourable Sir Brojendra Mitter: (a) The figures are not available.

(b) The number of claims on behalf of Indian Seamen received by the Government of India was 766, and their value was Rs. 5,23,942. The amount awarded on these claims was Rs. 2,15,161.

Mr. K. Ahmed: In view of the fact that a large number of these seamen are engaged in the seagoing vessels throughout the world, do Government propose to take sufficient steps, by comparison of the number of seamen in other countries, and see that an adequate distribution of these awards is made?

The Honourable Sir Brojendra Mitter: The suggestion does not seem to be reasonable. (Laughter.)

Mr. K. Ahmed: Is it not a fact that a duty devolves upon Government to see that an adequate amount of reparations is equally divided among all the Indian seamen, many of whom lost their lives during the great war?

The Honourable Sir Brojendra Mitter: That is precisely what is being done.

RESULT OF SUIT BROUGHT BY THE MAHARAJADHIRAJA OF DARBHANGA AGAINST THE INCOME-TAX DEPARTMENT.

1199. ***Kumar Ganganand Sinha:** (a) Are Government aware that, some time ago, in the Province of Bihar and Orissa, the Honourable Maharajadhiraja Bahadur of Darbhanga instituted a suit against the Income-tax Department and made serious allegations against the Assistant Commissioner?

(b) What became of the suit?

(c) Was it withdrawn by the plaintiff?

(d) If so, what action has been taken, or is under contemplation, against the plaintiff for making serious allegations against a public official?

(e) If, on the other hand, Government allowed the suit to be withdrawn on being satisfied about the truth of the allegations made by the plaintiff, what action has been taken against the official concerned? If no action has been taken, why has it not?

(f) Will Government be pleased to state the full circumstances of the case and how it terminated, and lay on the table of the House a copy of the correspondence on the subject?

The Honourable Sir George Schuster: (a) Yes. Two suits were instituted, in the first of which serious allegations were made against the Assistant Commissioner of Income-tax.

(b) and (c). Both suits were withdrawn by the plaintiff.

(d) No action has been taken by the Government, or is contemplated, against the plaintiff.

(e) The suits were withdrawn by the plaintiff of his own free will, and not at the suggestion of the Government. The implication in the Honourable Member's question that the Government were satisfied about the truth of the allegations made against the Assistant Commissioner is entirely without foundation. When the suits had been withdrawn, the Commissioner of Income-tax attempted to hold a departmental inquiry into the allegations, but both the Maharajadhiraja and his agent, B. Muneshwari Prasad, who was the most important witness for the inquiry, declined to appear. The departmental proceedings were accordingly abandoned.

(f) Owing to the provisions of Section 54 of the Indian Income-tax Act, 1922, the Government are unable to state any details regarding an assessment to income-tax. It is true that certain details were disclosed in the plaints themselves, but the statements made in the plaints were not necessarily admitted. All that can be stated in reply to the question is that the plaintiff being aggrieved, first at a particular assessment, and secondly at the substantial penalty imposed for delay in payment, applied for and obtained a temporary injunction from a Civil Court against the realisation of the sums in question. Two suits were then filed for a permanent injunction, the first against the Commissioner of Income-tax, the Assistant Commissioner and the Income-tax Officer, the second against the Secretary of State. The suits were withdrawn without any admission by either party, while the plaintiff paid the demand of income-tax and super-tax and also five per cent. of the penalty imposed on him for delay. He also reimbursed the costs incurred by the Government. The Government are not prepared to lay the correspondence in this case on the table.

Kumar Ganganand Sinha: Is it not customary that, when serious allegations are made against any public servant, he is allowed to vindicate his character in a Court of Law?

The Honourable Sir George Schuster: The public servant was sufficiently vindicated by the withdrawal of the suit and the admission implied by that withdrawal that the charges were improperly drawn up.

Mr. B. Das: Did I understand the Honourable Member to say that the allegations that were made against certain public servants were not true? Did the Government make any inquiry about those allegations?

The Honourable Sir George Schuster: I am not quite certain as to what my Honourable friend said; but from what I understand him to say, I do not think he has listened to my answer.

Mr. B. Das: Is it not a fact that there was pressure applied on the Maharaja of Darbhanga to withdraw the charges against the income-tax

officers? Is the Honourable gentleman aware that, during the discussion on the Income-tax Bill last session at Simla, I repeated those serious charges which were published in the Press, and they were published in the Assembly Debates. And did Government take any action thereon and inquire into the allegations against the officers?

The Honourable Sir George Schuster: I understand my Honourable friend says that he himself repeated the charges on two occasions. I must have notice of this question, because I was not aware of the fact, and I should like to see for myself the terms in which he repeated those charges, and the way in which those charges were published.

Mr. K. Ahmed: Is it not a fact, Sir, that those charges alleged by my Honourable friend were found to be without any basis? (Laughter.)

NAMES AND QUALIFICATIONS OF EUROPEAN OFFICERS OF THE ARCHAEOLOGICAL DEPARTMENT.

1200. *Kumar Ganganand Sinha: (a) Will Government be pleased to state the names of the European officers in the Archaeological Department, their designation, the nature of work which they perform, whether they have expert knowledge of any of the oriental languages, and the scripts, or rudimentary knowledge of all of them? If so, of what language and script have they such knowledge and what special qualifications have they, if any, for which they were appointed in the Department?

(b) Will Government be pleased to state how many archaeological discoveries have been made by the present European officers of the Archaeological Department, especially by the Director General and the Deputy Director General, and will the Government be pleased also to state what those discoveries are?

(c) What is the policy pursued by the Government in the matter of appointment of officers in the Archaeological Department?

(d) Will Government be pleased to state whether the work of this Department came to be reviewed by any Committee or Commission appointed to investigate the question of public services after the Public Service Commission of 1886-87? If so, how many times and when?

Mr. G. S. Bajpai: (a) A statement giving the information desired by the Honourable Member is placed on the table.

(b) For details of the discoveries made, I must refer the Honourable Member to the Annual Reports of the Department for the years mentioned in the list, which I place on the table, and to the Memoirs and other publications of the Department. (Applause.)

(c) The policy of Government is to appoint Indians to the Department as far as possible.

(d) The work of the Department came under review after the years mentioned by the Honourable Member to the same extent as that of other Departments, e.g., by the Indian Retrenchment Committee of 1922-23 and the Royal Commission on the Superior Civil Services in India, 1924.

A statement giving the names, designation, the nature of work, etc., of European Officers in the Archaeological Department.

Name.	Designation.	Nature of work.	Knowledge of Oriental Languages and Scripts.	Special Qualifications.
1. Sir John Marshall, Kt., C.I.E., M.A., Litt.D., F.S.A.	Director General of Archaeology on Special Duty.	Research in Art, Architecture, Ancient History, Pre-Historic culture, etc., etc.	Hindustani	Archaeologist.
2. H. Hargreaves, Esquire	Officiating Director General of Archaeology in India.	Administration of the Department and General Archaeological Research.	Hindustani	Archaeologist.
3. J. F. Blakiston, Esquire	Deputy Director General of Archaeology in India.	Administration and conservation of monuments.	Hindustani	Architect.
4. A. H. Longhurst, Esquire.	Superintendent, Archaeological Survey, Southern Circle.	Conservation of monuments, Architectural Research and exploration.	Hindustani.	Architect.
5. Mons. Chas. Duroiselle, M.A.	Superintendent, Archaeological Survey, Burma Circle.	Conservation of monuments, exploration.	Sanskrit, Pali, and Burmese.	Archaeologist and Epigraphist.
6. J. A. Page, Esquire, A.R.I.B.A.	Superintendent, Archaeological Survey, Central Circle.	Conservation and exploration.	Hindustani	Architect.
7. E. J. Mackay, Esquire, M.A., F.S.A.	Assistant Superintendent for exploration.	Exploration	Arabic	Archaeologist.

List showing excavations carried out by European Officers of the Archaeological Department.

1. By Sir John Marshall at :—

Charsada	1902-03.
Rajgir	1905-06.
Sarnath	1906-07.
"	1907-08.
Mandor and Sahet Maheth	1908-09.
Bhita	1909-10.
Taxila	1912-13.
Sanchi and Taxila	1913-14.
" " "	1914-15.
" " "	1915-16.
" " "	1916-17.
Taxila	1919-20.
"	1920-21.
"	1922-23.
"	1924-25.
Mohenjo-daro	1925-26.
Taxila	1927-28.

2. By Mr. H. Hargreaves at :—

Shahhi-ki-dheri and Takht-i-Bahi	1910-11.
Sarnath	1914-15.
Monolithic Temples at Masrur in the Punjab	1915-16.
Jamalgarhi	1920-21.
"	1922-23.
Sampur at Mastung and Nal in Baluchistan	1924-25.
Mohenjo-daro	1925-26.
Lahore Fort	1926-27.

3. By Mr. A. H. Longhurst at :—

A rock cut tomb near Calicut	1911-12.
Kudatini in the Bellary District	1912-13.
Vijayanagar and Udayagiri in the Madras Presidency	1916-17.
Nagarjunikonda and Gummuddiduru	1927-28.
" " "	1928-29.

4. By Mons. Chas. Duroiselle at :—

Hmawza (Old Prome)	1911-12.
Pagan	1912-13.
Sameikshe	1921-22.
Old Prome	1923-24.
" " "	1924-25.
" " "	1925-26.
" " "	1926-27.
" " "	1927-28.
" " "	1928-29.

5. By Mr. J. A. Page at :—

Nalanda	1921-22.
"	1922-23.
"	1923-24.
"	1924-25.
"	1925-26.
"	1926-27.
"	1927-28.
"	1928-29.

6. Mr. E. J. Mackay at :—

Mohenjo-daro	1926-27.
"	1927-28.
"	1928-29.

RECOMMENDATIONS OF THE PUBLIC SERVICE COMMISSION REGARDING THE
TRAINING OF NATIVE STUDENTS IN EPIGRAPHY.

1201. *Kumar Ganganand Sinha: Has the attention of Government been drawn to the following paragraph on page 73 of the Report of the Public Service Commission of 1886-87:

"The only recommendation, therefore, which the Commission can offer in respect of this Department is that facilities should be given to a limited number of graduates of the Universities, sufficiently prepared, by previous study, to take advantage of the stipulation made by the Secretary of State in the engagement of Dr. Hultzsch that he should train native students in Epigraphy. Dr. Burgess states that Dr. Fuhrer would also probably be willing to undertake the training of a class. These students, when trained, would be able to deal with inscriptions, which would supplement the typical examples already carefully edited, and if no opportunity were available for their employment in archaeological inquiries, the instruction they had received would render their services more valuable as specialists in the Department of Education."

If so, will Government be pleased to state how far the spirit of the recommendations has been carried out?

Mr. G. S. Bajpai: Yes. The policy laid down in the paragraph has been followed with the result that 59 per cent. of the superior posts in the Archaeological Department are held by Indians. Scholarships are still given from time to time in order to keep up a supply of trained candidates for vacancies which, I hope my Honourable friend will recognise, in a small department do not occur too frequently.

CO-OPERATION OF INDIAN UNIVERSITIES AND SOCIETIES WITH THE
ARCHAEOLOGICAL DEPARTMENT IN RESEARCH INTO THE PAST HISTORY
OF INDIA.

1202. *Kumar Ganganand Sinha: Have Government considered the question of inviting the co-operation of Indian Universities and societies for carrying on researches in the past history of India, so far as the work of the Archaeological Department is concerned? If so, with what results?

Mr. G. S. Bajpai: The question of inviting the co-operation of extra-departmental bodies in archaeological exploration and research is at present under consideration. Up till now the only instance in which an Indian

University or society has participated in the work of the Department, was in 1923, when the University of Calcutta and a certain research society carried out a joint trial excavation at Paharpur on a small scale.

Kumar Ganganand Sinha: May I know since when this matter has been under consideration, Sir?

Mr. G. S. Bajpai: The matter, Sir, according to my information, has been under consideration for a series of years, not with special reference to this particular question of co-operation with ultra-departmental bodies, but in connection with the general question of amending the Ancient Monuments Protection Act, 1904, which is rather a complicated affair.

Mr. M. S. Aney: May I ask the Honourable Member if the Archaeological Department has ever been in correspondence with the Universities on this point?

Mr. G. S. Bajpai: I think, Sir, my Honourable friend did not altogether follow the answer that I gave. I said that this question of co-operation with the Universities has been taken up only recently.

Mr. M. S. Aney: Is it in correspondence with the University on this point? That is what I want to know.

Mr. G. S. Bajpai: No; it is not in correspondence with the University, because we are in correspondence with the Local Governments who, I think, will be in touch with the Universities on this point.

Kumar Ganganand Sinha: Is it a fact that the Archaeological Department is mainly concerned with the Ancient Monuments Protection Act and that it does not like to do much beyond that?

Mr. G. S. Bajpai: No, Sir; I am not prepared to admit that.

EXPENDITURE ON THE UPKEEP OF MONUMENTS AND ATTACHED GARDENS.

1203. *Kumar Ganganand Sinha: (a) Is it not a fact that three lakhs and seventy-seven thousand rupees have been allotted in the budget estimate for 1929-30 under the head "Annual maintenance and upkeep of monuments and attached gardens"? Will Government be pleased to state separately how much money is intended to be spent for each of these items?

(b) Will Government be pleased to state, why gardens are attached to ancient monuments, and what is usually the area of such gardens? Do these gardens bring any income to the Government or not?

(c) Will Government be pleased to state in detail the heads of expenditure under each of these items (Annual Maintenance, Upkeep of Monuments and Attached Gardens)?

Mr. G. S. Bajpai: (a) Yes. It is proposed to allot Rs. 2,47,800 to monuments and Rs. 1,29,200 to attached gardens.

(b) Gardens are not attached to the monuments but are either part of them or their appropriate setting. The area of such gardens varies. They bring in a small income from the sale of fruits and grass, etc.

(c) I regret that, in the time available, it has not been possible for me to obtain more detailed information than I have given in reply to part (a) of the question.

Kumar Ganganand Sinha: May I know what is the connection between archæology and garden?

Mr. G. S. Bajpai: Beauty, Sir.

The Revd. J. C. Chatterjee: May I ask the Honourable Member if he is aware that several of these monuments specially Humayun's Tomb near Delhi, are in a very unsatisfactory condition, and badly kept?

Mr. G. S. Bajpai: Do I understand my Honourable friend to say that the provision of Rs. 2,50,000 is inadequate?

The Revd. J. C. Chatterjee: May I know how much is available so far as monuments near Delhi are concerned?

Mr. G. S. Bajpai: If that is so, Sir, I shall communicate my Honourable friend's complaint to the Director-General of Archæology.

HEADQUARTERS AND DUTIES OF MR. BLACKISTON, DEPUTY DIRECTOR OF ARCHÆOLOGY IN INDIA.

1204. ***Kumar Ganganand Sinha:** Will Government be pleased to state how many months in a year have been spent by Mr. Blackiston in excavation duty, and where are his headquarters as the Deputy Director of Archæology in India?

Mr. G. S. Bajpai: The Deputy Director General of Archæology is an administrative officer whose work is in the office of the Director General of Archæology, which is an attached office of the Government of India, with headquarters at Delhi and Simla. He does not do any exploration work.

GRANT OF BENEFITS OF THE PROVIDENT FUND TO EMPLOYEES IN RAILWAY WORKSHOPS.

1205. ***Pandit Nilakantha Das:** (a) With reference to the reply given to my starred question No. 712 on the 23rd February, 1929, will Government be pleased to state the number of the workmen in the Bengal and North Western Railway Workshops who fulfil the conditions laid down in rule 6 (d) of the State Railway Provident Fund Rules and how many out of them are given the benefit of the Provident Fund?

(b) Will Government also give the same information with regard to other railway workshops?

Mr. P. R. Rau: (a) I understand daily-rated workmen on the Bengal and North Western Railway Workshops are not eligible to join the provident fund.

(b) Information is being collected.

PAYMENT OF RENT FOR QUARTERS BY WORKMEN ON THE BENGAL AND NORTH WESTERN RAILWAY.

1206. ***Pandit Nilakantha Das:** (a) Will Government be pleased to state whether the workmen of the Bengal and North Western Railway Workshops have to pay rent for the quarters supplied to them by the Railway?

(b) Do the workmen of other Railway Workshops at Lillooh, Jamalpur, Lucknow, Ajmer, Bombay, etc., pay rent for the quarters supplied to them by the Railway?

(c) Are there railway workshops where workmen are given free quarters?

Mr. P. R. Rau: The information required is being collected and will be communicated to the Honourable Member on receipt.

NUMBER OF INDIANS APPOINTED AS DEPUTY AUDITOR GENERAL DURING A CERTAIN PERIOD.

1207. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state whether it is a fact that the post of the Deputy Auditor-General, Headquarters, is reserved for the European Members of the Indian Audit and Accounts Service?

(b) If not, how many Indians, as compared with Europeans, have been appointed to this post during the last 15 years?

The Honourable Sir George Schuster: (a) No.

(b) Until a short time ago, there was only one post of Deputy Auditor-General at Headquarters; and that post has not, during the past 15 years, been held by an Indian. There has also been a post of Assistant Auditor-General at Headquarters on the same level of pay as the Deputy Auditor-General, and it was recently decided that it would be more appropriate that both posts should bear the same designation. The latter post has, for some considerable time, been held by an Indian.

Mr. A. Rangaswami Iyengar: Do the two posts carry now the same salary?

The Honourable Sir George Schuster: The two posts have carried the same salary for some time, and they still carry the same salary.

GRIEVANCES OF THE STAFF UNDER MR. L. J. PECK, DEPUTY AUDITOR GENERAL.

1208. ***Mr. Siddheswar Prasad Sinha:** Are Government aware that there is dissatisfaction in the Office of the Auditor General owing to the treatment meted out to the staff by Mr. L. J. Peck, Deputy Auditor-General, Headquarters, in the matter of leave, pay and promotion?

The Honourable Sir George Schuster: Government have no information to this effect and would be surprised to learn that the Honourable Member's information is correct. As I intimated to the Honourable Mr. Ram Narayan Singh the other day, in reply to a question of his, Mr. Peck is an officer in whom the Government have every confidence.

Mr. Ram Narayan Singh: Is it not a fact that there must be some reasons for the dissatisfaction among the staff with the officer?

(No reply was given.)

GRANT OF LEAVE TO THE STAFF OF THE OFFICE OF THE AUDITOR GENERAL.

1209. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government please state:

(i) the sanctioned strength of leave reserve for the Office of the Auditor General;

- (ii) how many assistants in that Office applied for regular leave for more than 15 days for reasons of ill-health during the "slack season," viz., March to September, 1928;
- (iii) how many produced, and how many were asked to produce, medical certificates from Civil Surgeons or other Government doctors;
- (iv) in how many cases were medical certificates asked for when the leave reserve was available and why;
- (v) in how many cases were medical certificates from qualified medical practitioners not accepted and were ignored during 1928 and why?

(b) Is it a fact that certain assistants of the Office who took leave during the year 1928 were victimised or punished on any grounds?

(c) If so, will Government be pleased to state the particulars of the offences and of the punishments inflicted?

The Honourable Sir George Schuster: (a) (i) 8 in 1928. It is now 10.

(ii) to (v). This question appears to be based on a misapprehension. There is no "slack season" in the Auditor General's office, as suggested in part (ii) of the question. The periods of highest pressure differ in different sections; and when the pressure relaxes in one section, men are transferred from it to another section where the pressure is greater.

Particulars are not readily available to answer these parts of the question, and I do not think it would be justifiable to make a special compilation involving a great deal of public time.

(b) and (c). Government have not been able themselves to locate any instance of victimisation. If the Honourable Member will furnish me with particulars of any specific case which he has in mind, I will see that it is investigated.

Mr. A. Rangaswami Iyengar: Is it not a fact that there is a good deal of slack season in the Secretariat?

Mr. President: Order, order.

PRINCIPLES FOLLOWED FOR THE PROMOTION OF PASSED CLERKS TO THE SUBORDINATE ACCOUNTS SERVICE.

1210. ***Mr. Siddheswar Prasad Sinha:** Will Government please state what principles are followed in the matter of promotion of passed clerks to the Subordinate Accounts Service in the Office of the Auditor General, and whether it is a fact that recently promotions of the passed clerks to the Subordinate Accounts Service have been made without strict regard to their seniority, and without obtaining any formal reports in writing from Superintendents and Branch officers as to their efficiency? If so, why have the promotions been made arbitrarily?

The Honourable Sir George Schuster: Promotions with due regard to merit were made by the Auditor General after proper consideration and with a full sense of the responsibility of the Auditor-General himself. The

steps which he takes to inform himself as to the opinions of Superintendents or other subordinate officers in his Department are a matter entirely at the discretion of the Auditor General himself as head of the Department.

Mr. Siddheswar Prasad Sinha: What I want to know is whether any reports were called for from the officers in charge of the various sections of the department at the time of the promotions?

The Honourable Sir George Schuster: That is precisely the information which I am not prepared to give. The matter is one for the responsibility of the Auditor-General himself as head of the department; and I am not prepared to allow Honourable Members here to interfere with that responsibility.

FILLING OF APPOINTMENT WITH THE BEST QUALIFIED MAN IRRESPECTIVE OF CASTE, RELIGION OR CREED.

1211. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that section 96 of the Government of India Act lays down that no native of British India, or any subject of His Majesty's resident therein, shall, by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any office under the Crown in India?

(b) Is it a fact that members of the minority communities are being given preference over those of other communities in the matter of selection of candidates for appointments under Government?

(c) Is it a fact that even in the case of appointments made as a result of competitive examinations, Muhammadans are given preference over Hindus although the latter may have scored higher marks?

(d) Are the Government of India prepared to issue orders to the effect that public appointments should be open to the best qualified man, irrespective of caste, religion or creed?

The Honourable Mr. J. Orerar: (a) Yes.

(b) To prevent the preponderance of any particular class or community in the public services a proportion of vacancies is usually reserved to be filled by members of minority communities.

(c) No.

(d) No modification in the general orders on the subject is at present contemplated.

FEES PAYABLE IN DELHI SCHOOLS.

1212. ***Mr. Siddheswar Prasad Sinha:** (a) What is the minimum limit of monthly income of the parents on account of which students have to pay double fees in the Delhi Schools?

(b) What was the limit previously?

(c) Are Government prepared to consider the question of raising the limit?

Mr. G. S. Bajpai: (a) Rs. 2,000 per annum.

(b) Rs. 300 a month.

(c) Yes.

PERIOD WITHIN WHICH APPLICATIONS FOR CANCELLATION OF ASSESSMENT AND APPEALS UNDER THE INCOME-TAX ACT CAN BE MADE.

1213. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that an application for cancellation of assessment under section 27 and an appeal under section 31 of the Indian Income-tax Act should be made within one month from the service of a notice of demand?

(b) Is it a fact that some days are taken by the Income-tax Department in supplying copies of the assessment orders to the assesseees?

(c) Is it a fact that those days are not excluded in calculating the period of one month under part (a) above?

(d) Do Government propose to issue instructions that the days requisite for obtaining copies of orders, etc., from the Income-tax Department should be excluded? If not, why not?

The Honourable Sir George Schuster: (a), (b) and (c). Yes.

(d) Sub-section 2 of section 30 of the Indian Income-tax Act, 1922, confers on an Assistant Commissioner of Income-tax the power of admitting an appeal after the expiration of the period specified in the Act, if he is satisfied that the appellant had sufficient cause for not presenting it within that period, and instructions have been issued that, in cases where it is necessary for an appellant to file a copy of the order against which an appeal is filed, Assistant Commissioners shall take into consideration the time spent in obtaining the copy. When the Income-tax Act is next amended, opportunity will be taken to embody in the Act provisions corresponding to those of section 12 of the Indian Limitation Act, 1908.

ALLOTMENT OF 'D' TYPE QUARTERS IN NEW DELHI.

1214. ***Mr. Siddheswar Prasad Sinha:** (a) What is the total number of "D" type quarters in New Delhi available for the migratory staff, and what is the number of clerks who applied for them and how many per cent. got quarters?

(b) What are the similar figures for "C" type quarters?

(c) Is it a fact that the number of quarters is not sufficient to meet the requirements of all the clerks? If so, do Government propose to consider the desirability of allotting a certain number of quarters to each Department, leaving it to its discretion to distribute them according to certain principles?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). No specific number of quarters is reserved for any particular staff. 682 migratory officers applied for "D" type quarters and 248 for "C" type quarters, of which 329 and 141, i.e., 48 per cent. and 59 per cent., respectively, were allotted quarters.

(c) The reply to the first part of the question is in the affirmative and to the second part in the negative.

The Revd. J. C. Chatterjee: May I ask if Indian clerks are allowed the use of quarters described as unorthodox in Simla if they desire to have such quarters?

The Honourable Sir Bhupendra Nath Mitra: I am afraid the Honourable Member did not listen to the reply which I gave in the House the

other day. To the best of my recollection, I said there were no unorthodox quarters in Simla.

The Revd. J. C. Chatterjee: May I ask how quarters ordinarily reserved for the use of Anglo-Indian or European staff, are described?

The Honourable Sir Bhupendra Nath Mitra: There is no reservation, so far as I am aware.

The Revd. J. C. Chatterjee: Is the Honourable Member aware that applications for such quarters have been made by Indian clerks desiring to live in that style and that those applications, in practically every case, were refused?

The Honourable Sir Bhupendra Nath Mitra: I have no information with me on that point and would suggest that, if the Honourable Member wanted the information, he should put down a question on paper. We are now on the question of quarters in New Delhi and not of quarters in Simla.

NUMBER OF "C" AND "D" TYPE QUARTERS ALLOTTED TO THE MIGRATORY STAFF OF THE GOVERNMENT OF INDIA IN 1928-29.

1215. ***Mr. Siddheswar Prasad Sinha:** (a) What is total number of "C" and "D" type quarters surrendered, so far, in the cold season of 1928-29 and how many of them have been allotted to the migratory staff?

(b) Do Government propose to consider the question of meeting the requirements of the migratory staff before the requirements of the non-migratory staff?

The Honourable Sir Bhupendra Nath Mitra: (a) The total number of "C" and "D" type quarters surrendered so far in the cold season of 1928-29 is 6 and 26, respectively, of which 4 of the former and 10 of the latter type have been allotted to the migratory staff.

(b) No such proposal is under consideration at present.

IMPROVEMENT OF ARRANGEMENTS FOR HOSPITAL TREATMENT OF GOVERNMENT SERVANTS IN NEW DELHI.

1216. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that, at Simla, there are separate doctors, separate dispensaries and separate dressing rooms for Government servants?

(b) Is it a fact that there is no whole-time doctor for Government servants at New Delhi, no separate dispensary and no separate dressing room, and that they have to wait at the hospital like ordinary coolies and other people for their treatment?

(c) Do Government propose to improve the arrangements at New Delhi by appointing separate medical advisers for Government servants, fixing suitable hours for their attendance at suitable places and making special arrangements for dispensing and dressing?

Mr. G. S. Bajpai: (a) Sir, I fear I do not quite understand what the Honourable Member means by this part of his question. If he wishes to know whether separate medical staff and facilities are provided for the civil and military employees of Government in Simla, the answer is in the affirmative.

(b) and (c). There are at present, in New Delhi, one Civil Surgeon, one Civil Assistant Surgeon, and 2 Sub-Assistant Surgeons, to whose services Government employees are entitled, according to rank. In addition to the Combined Hospital, New Delhi, a dispensary has recently been opened on Market Road for the convenience of Government servants residing in or near that locality. These arrangements are, however, temporary and perhaps, not ideal. The question of making medical arrangements for New Delhi on a permanent and satisfactory footing is at present being considered.

Lieut. Colonel H. A. J. Gidney: Will the Honourable Member please state whether there is any accommodation for indoor patients in this hospital in Delhi?

Mr. G. S. Bajpai: No, Sir; I believe there is practically no accommodation for indoor patients at the combined hospital in New Delhi.

Lieut. Colonel H. A. J. Gidney: Will the Honourable Member be pleased to state whether he is prepared to consider the supply of such accommodation?

Mr. G. S. Bajpai: The position is, Sir, that the Government have decided and the Finance Committee have agreed, and, I believe the House now has voted funds for the construction of a combined hospital which will cater for the requirements of both Old and New Delhi and which will provide ample accommodation for all classes.

Lieut. Colonel H. A. J. Gidney: Is the Honourable Member aware that the construction of the proposed new combined hospital cannot be completed for another 3 or 4 or more years probably?

Mr. G. S. Bajpai: Well, Sir, we hope to push on with it as quickly as we can.

Lieut. Colonel H. A. J. Gidney: In the meantime what will the patients do?

Mr. G. S. Bajpai: They will do what they have been doing for ever so many years.

Lieut. Colonel H. A. J. Gidney: That is most unsatisfactory. Do Government wish to continue this unsatisfactory state of affairs?

Mr. G. S. Bajpai: On the contrary, Sir, I have said that Government's intention is to set up a first-class hospital, which will be able to cater for the requirements of all classes; but Government are not in possession of Aladdin's lamp, so that, by merely rubbing it, they can produce a hospital overnight.

Lieut. Colonel H. A. J. Gidney: In the meanwhile will Government arrange to provide temporary accommodation for these indoor patients?

Mr. G. S. Bajpai: I think that the setting up of temporary accommodation for the purpose would be more expensive than the results would justify.

Lieut. Colonel H. A. J. Gidney: What a lame answer!

RULES FOR THE ALLOTMENT OF QUARTERS IN NEW DELHI.

1217. *Mr. Siddheswar Prasad Sinha: (a) What is the total number of clerks of the Government of India migratory staff who moved to New Delhi in 1928 and applied for Government quarters, including those of the attached and subordinate offices?

(b) What is the total number of quarters reserved for such staff at New Delhi and how many clerks had to remain without such quarters during the 1928-29 cold season?

(c) Is it a fact that rules regarding the allotment of quarters were revised in 1928, and according to those rules, clerks occupying quarters in 1927-28 were given preference over all others, irrespective of any other consideration?

(d) Is it a fact that, according to those rules, certain men in the grades whose maximum does not reach Rs. 225, and who occupied the quarters in 1927-28, will occupy them throughout their service, whereas the other men will have to remain without quarters for a major portion of their service?

(e) Is it a fact that the Imperial Secretariat Association made a representation against these rules?

(f) Do Government propose to revise the new rules immediately?

(g) Is it a fact that the quarters in New Delhi were primarily meant for the Government of India migratory staff?

(h) What percentage of "D" class quarters is at present occupied by the non-migratory staff?

The Honourable Sir Bhupendra Nath Mitra: (a) 1,386 clerks of the migratory staff moved to New Delhi in 1928 and 1,257 applied for accommodation. This excludes single officers.

(b) No specific number of quarters is reserved for any particular staff. 728 migratory officers made their own arrangements.

(c) and (d). The revised rules give clerks who were occupying quarters in 1927-28 preference over others, provided they remain eligible.

(e) Yes.

(f) and (g). No.

(h) 65 per cent.

SHORT NOTICE QUESTION AND ANSWER.

EVACUATION OF FRONTIER INDIANS AT PRESENT IN AFGHANISTAN.

Mr. Gaya Prasad Singh: With your permission, Sir, I wish to put the following question, of which I gave short notice:

(a) Is it a fact that there are a number of Indians still in Afghanistan who are anxious to be evacuated from that country?

(b) If so, what is their approximate number?

(c) Have Government received any representation or request from the Indian residents of Afghanistan asking to be evacuated as early as possible? If so, do Government propose to take immediate steps to evacuate such Indians in Afghanistan as are willing to leave that country?

Sir Denys Bray: Thanks to the arrangements concerted by His Majesty's Government and the Government of India, His Majesty's Minister was able to offer facilities for evacuation by air to all British Indian subjects in Kabul. When the offer was first made in the latter part of December, it was, of necessity, restricted to women and children only; but during January and the first half of February it was extended, on the gradual expansion of our aeroplane resources, to men also. In all, no less than 842 British Indians availed themselves of the offer within the period allotted and were safely evacuated by the Royal Air Force to India. On the final withdrawal of the British Legation, there remained about 40 others, who had been unwilling, or unable, to accept the offer in the first instance, either because of their reluctance to leave their property behind, or the unwillingness of the Afghan Government to let them go without a settlement of accounts, or some other good reason. Of these, some put in eleventh-hour applications for aeroplane facilities, unfortunately too late, after the difficult arrangements and the very delicate negotiations with the Kabul Government for the withdrawal of His Majesty's Legation had been completed, and climatic, to say nothing of political, conditions rendered postponement impossible.

In addition, applications were presented from time to time by 20 or 30 other Indians who had inherited or adopted Afghan nationality and whose applications were not supported by the Kabul Government. After the final withdrawal a telegram was received from Indians still in Kabul asking for evacuation facilities, but these unfortunately were no longer practicable. Happily with the melting of the snows on the passes, there is now no insuperable obstacle to evacuation by road from Kabul, and despite its hardships and dangers several travellers, Indian and European, are now availing themselves of this method.

There are of course Indian colonies elsewhere in Afghanistan, notably in Kandahar, Jalalabad and Herat. But the road from Kandahar to Chaman has never been closed, and all but half-a-dozen British Indian families, I understand, have now come into India. Conditions in the Jalalabad area have been more disturbed, but evacuation under tribal arrangement has been feasible for some time past. As for Herat, where there has lately been serious trouble and both Governor and General have been murdered, I was relieved to receive a telegram, a couple of days ago, announcing the safe arrival of most of the British Indian traders in Meshed. In general, though there has been inevitable loss of Indian property during the upheaval in Afghanistan, I rejoice to say that I have received no report of any loss of Indian life.

Mr. Gaya Prasad Singh: May I know if there are any Englishmen left over in Afghanistan who desired to be evacuated, and, if so, what is their number?

Sir Denys Bray: There are no Englishmen left in Afghanistan. There were no Englishmen in Afghanistan at all except those either in the Legation itself or employed in connection with the evacuation. But there are, of course, several Europeans left in Kabul, notably some forty Germans, some thirty Turks, many Russians, and in addition some Persians.

Maulvi Sayyid Murtuza Sahab Bahadur: May I know, Sir, if it is a fact that some Indians have been arrested there and there are many more Indians who are subjected to many a hardship?

Sir Denys Bray: I am afraid we are at a disadvantage; since the withdrawal of His Majesty's Legation, we are not in possession of any certain news as to what is happening in Kabul.

Mr. Gaya Prasad Singh: May I know if it is in contemplation to take any steps to evacuate those Indians who are still in Afghanistan? What arrangements are in contemplation?

Sir Denys Bray: I have endeavoured to explain that it is now impossible to make any aeroplane arrangements, and have endeavoured also to give my Honourable friend to understand that it lies within the power of the Indians themselves to make some arrangements for their evacuation. The obstacle provided by the snow on the passes is now removed.

Mr. Abdul Haye: My Honourable friend has referred to delicate negotiations with the Afghan Government. May I know with what Afghan Government?

Sir Denys Bray: I remember that I did not use the word *Afghan* Government. I used the word *Kabul* Government—the *de facto* government now in Kabul, negotiations with whom were perhaps the more delicate in that His Majesty's Government do not recognise it.

Mr. K. Ahmed: Do Government propose to give facilities to Indians going to Kabul or take sufficient steps to give assistance to the people who are in great hardship at Kabul?

Mr. President: Does the Honourable Member want to go there? I am sure the Foreign Secretary will provide all facilities.

Sir Denys Bray: No, Sir. (Laughter.)

Mr. President: Not even to Mr. Kabeer-ud-Din Ahmed?

Sir Denys Bray: No, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

PRACTICE OF HOMŒOPATHY BY EMPLOYEES IN THE IMPERIAL SECRETARIAT AND ARMY HEADQUARTERS.

359. **Haji Chaudhury Mohammad Ismail Khan:** (a) Is it a fact that there are a good many men in the Imperial Secretariat, as well as in the branches of the Army Headquarters, who regularly practise in Homœopathy like professionals?

(b) If so, will Government please state the number of such men in the various Departments, showing approximately the annual professional income of each?

(c) Do Government encourage their servants to carry on such practice? Is such income assessable to income-tax?

(d) Is it permissible under the Government Servants' Conduct Rules?

(e) Is it a fact that there are orders prohibiting Government servants from doing agency work on behalf of Life Insurance Companies?

(f) If so, why is there no such prohibition against practising medicine?

for Anglo-Indians only and certain stations classed as suitable for Indians only?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons for such reservation?

Mr. P. G. Rogers: (a) Assuming that the Honourable Member refers to the practice obtaining in the Posts and Telegraphs Department, the answer is in the negative.

(b) Does not arise.

QUALIFICATIONS REQUIRED FOR APPOINTMENT AS TELEGRAPHISTS.

366. Mr. Amar Nath Dutt: Will Government be pleased to furnish (1) the qualifications required from men for appointment as telegraphists, (2) the subjects they pass in at the entrance examination, (3) the nature of duties performed by them, and (4) the subjects in which they are examined annually at the time of increment, and also for the examination for the efficiency bar for, (i) General Service, (ii) Local Service, and (iii) Station Service? If they are the same in all cases, will Government be pleased to state the reasons for the distinction in pay between the several Services?

Mr. P. G. Rogers: (1) and (2). A reference is invited to the copy of the rules regarding the conditions of service, etc., of telegraphists which will be sent to the Honourable Member.

(3) The duties include the dealing with the receipt and transmission of messages by telegraph and all operations in connection therewith.

(4) The subjects are practically the same in the case of General, Local and Station Service telegraphists and are given in the copy of the rules which will be furnished to the Honourable Member. The differences in pay are due to the different conditions of service of General, Local and Station Service telegraphists.

PAY OF LOCAL AND STATION SERVICE TELEGRAPHISTS TRANSFERRED TO THE GENERAL SCALE.

367. Mr. Amar Nath Dutt: (a) Will Government be pleased to state whether they are aware of the fact that, in granting pay, the point-to-point system was in force when telegraphists of the Local and Station service were transferred to the General scale before 1st January, 1928?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons for its abolition now in view of the fact that the duties are one and the same in all the cases?

Mr. P. G. Rogers: (a) The point-to-point system was in force prior to the 1st June, 1927, not 1st January, 1928, as stated by the Honourable Member.

(b) The system was abolished as it was contrary to statutory rules.

GRANT OF ALLOWANCES TO ELECTRICAL SUPERVISORS IN TELEGRAPH OFFICES IN PROPORTION TO THEIR WORK AND RESPONSIBILITY.

368. Mr. Amar Nath Dutt: (a) Will Government be pleased to state whether they are aware of the fact that the supervisors of the electrical branch have to perform (1) supervision of Baudot apparatus, (2) supervision of accumulators and power plants, (3) Line and cable testing, (4)

supervision of electric lights and fans, and (5) supervision of all technical arrangements in telegraph offices?

(b) Will Government be pleased to state whether they are aware of the fact that the work of the Baudot supervisors is confined only to supervision of Baudot apparatus, and that the electrical supervisors are called to attend to the Baudot working when the Baudot supervisors are unable to rectify faults?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state whether they will consider the granting of increased allowances to the electrical supervisors proportionately in consideration of their work and responsibility?

Mr. P. G. Rogers: (a) The supervision of Baudot working is carried out by Baudot supervisors; the other duties referred to are entrusted to electrical supervisors in small offices only. In large offices the various duties referred to are carried out by various officials, not necessarily electrical supervisors.

(b) Yes, but Baudot supervisors trained in the office of the Electrical Engineer-in-Chief possess the qualifications necessary to rectify defects that may occur in the Baudot apparatus, and it is only in exceptional cases that they have to seek the assistance of electrical supervisors.

(c) No, because the superior technical qualifications of electrical supervisors are already recognised by the grant of a scale of pay superior to that drawn by Baudot supervisors.

INTRODUCTION OF AN EXAMINATION FOR PROMOTION TO THE 2ND DIVISION IN THE TRAFFIC BRANCH OF THE TELEGRAPH DEPARTMENT.

369. Mr. Amar Nath Dutt: With reference to the reply to question No. 185 (b) given in the Assembly on the 4th September, 1928, regarding the introduction of an examination for promotion to second division, will Government be pleased to state the decision that has been arrived at?

The Honourable Sir Bhupendra Nath Mitra: No decision has yet been reached.

NUMBER OF INDIANS, ANGLO-INDIANS AND EUROPEANS IN CERTAIN CLASSES IN THE TELEGRAPH DEPARTMENT.

370. Mr. Amar Nath Dutt: (1) Will Government be pleased to furnish:

- (a) The number of Indians, (b) the number of Anglo-Indians, and
(c) Europeans in the Government Telegraph Department on the 1st March, 1929, under the following classes:

Superior Traffic Branch.

1. First Division. 2. Second Division.

Deputy Superintendents.

1. First Grade. 2. Second Grade.

Telegraph Masters.

1. Local Scale. 2. Station Scale. 3. General Scale

Telegraphists.

1. Local Scale. 2. Station Scale. 3. General Scale.

*Engineering Branch.**Divisional Engineers.*

(a) Junior. (b) Senior.

*Assistant Engineers.**Deputy Assistant Engineers.*

1st class; 2nd class.

*Engineering Supervisors.**Electrical Branch.*

- (a) *Senior Electricians.*
- (b) *Junior Electricians.*
- (c) *Assistant Electricians.*
- (d) *Deputy Assistant Electricians.*
- (e) *Electrical Supervisors.*

Wireless Branch.

- (a) *Divisional Engineers.*
- (b) *Assistant Divisional Engineers.*
- (c) *Deputy Assistant Engineers.*
- (d) *Wireless Civil Service Operators.*
- (e) *Wireless Wheatstone Operators.*

(2) Will Government be pleased to state whether the officers mentioned under Wireless Branch (a), (b) and (c) have all passed the required technical examinations?

(3) If the answer to part (2) be in the negative, will Government be pleased to state the number of such officers that have not succeeded in the above examinations?

Mr. P. G. Rogers: An attempt is being made to collect the information wanted by the Honourable Member and the result will be communicated to him in due course.

INCORRECTNESS OF ANSWER GIVEN BY GOVERNMENT REGARDING PAY OF STAFF OF THE BENGAL AND NORTH-WESTERN RAILWAY.

371. Mr. Amar Nath Dutt: Will Government be pleased to state if the facts in the reply given to my unstarred question No. 529 in the Legislative Assembly on the 24th September, 1928, are the same as was stated in the letter of the Agent of the Bengal and North-Western Railway, No. 40 of 27th February, 1921? If not, will Government be pleased to state whether the reply referred to above is correct? If the answer be in the negative, who is responsible for such incorrect answers?

Mr. P. R. Rau: The facts stated in the reply to the Honourable Member's question referred to are correct and Government have nothing to add to it.

RECOGNITION BY THE AGENT, BENGAL AND NORTH-WESTERN RAILWAY, OF A UNION REPRESENTING THE EMPLOYEES OF THAT RAILWAY.

372. Mr. Amar Nath Dutt: With reference to the reply given to Mr. N. M. Joshi's starred question No. 267, in the last Simla session of the Legislative Assembly, will Government be pleased to state whether the observation contained in their reply was brought to the notice of the Agent, Bengal and North Western Railway? If so, will Government be pleased to state whether the Agent acts accordingly?

Mr. P. R. Rau: The answer to the first part of the question is in the affirmative. The Government have no reason to believe that the Agent is not following their instructions.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Orerar (Leader of the House): With your permission, Sir, I desire to make a statement about the probable course of business during the next week and thereafter. As Honourable Members are aware, the business which Government desire to conclude before the end of the Session consists of the Finance Bill, the Public Safety Bill and the Trade Disputes Bill. The days so far allotted for Government business next week are the 26th, the 27th and the 28th. I understand, Sir, that it is your intention that the House should not sit on Tuesday the 26th as that day has been gazetted a holiday under the Negotiable Instruments Act for the Delhi Province. Friday the 29th and Saturday the 30th are also gazetted holidays on account of Easter, but Government will be willing to sit on Saturday the 30th if you, Sir, are prepared so to direct

Mr. President: Is that a gazetted holiday?

The Honourable Mr. J. Orerar: I understand so, Sir. In that event the House will sit on Wednesday the 27th, Thursday the 28th, and Saturday the 30th, for the disposal of Government legislation, and in the event of the Government measures, which I have already named, not being passed by that date, it will be necessary for Government to ask you, Sir, to direct that the House shall sit in the following week beginning the 1st April for as many days as may be necessary for the completion of Government business.

In addition to the legislative business, which I have mentioned, there are three motions involving elections. These are:

- (1) on behalf of the Education, Health and Lands Department for the election of a panel from which the members of the Standing Committee to advise on questions relating to emigration will be nominated;
- (2) on behalf of the Industries and Labour Department to elect a panel from which the members of the Standing Committee to advise that Department on Roads will be nominated;
- (3) on behalf of the Education, Health and Lands Department to elect two members to sit on the Governing Body of the Central Council of Agricultural Research.

It is proposed that these should be put on the List of Business for Wednesday, the 27th March.

Mr. Anwar-ul-Azim: I may inform you, Sir, that the All-India Muslim League will be sitting on the 30th and 31st March and it will be difficult for many of us to attend the Assembly on those days.

Mr. President: I will not sit on the 31st.

Mr. Anwar-ul-Azim: The Honourable Member mentioned the 30th.

Mr. President: I will consider the objection.

THE INDIAN FINANCE BILL—contd.

Mr. President: The House will now resume further consideration of the Finance Bill, clause by clause:

The question is that clause 2 stand part of the Bill.

Mr. O. Duraiswamy Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): Sir, last evening I was submitting to this House my authorities for proving the position that cattle require a sufficient supply of salt. Perhaps, Sir, an elementary proposition like that would not have required authorities that I am quoting, and in fact an agriculturist of this country would laugh at me if I told him that I was putting authorities before this House to prove that cattle require salt. But, Sir, if I tell him that Honourable Members of this House are more acquainted with motor cars than with cattle, he will be satisfied that there was need for the authorities being quoted. But I advance a stronger argument than that as to why I quote authorities.

Sir, the Royal Commission on Agriculture has produced a big volume of over a thousand pages after holding long inquiries, and it cost more than Rs. 2 lakhs, I suppose, of the taxpayer's money for that commission; and yet, throughout that big volume, I do not see one word stated anywhere that cattle require salt and that salt must be supplied in large quantities for keeping up the health of cattle. In that big volume, salt sneaked in in Appendix IV at page 697, when an inquiry was made in a very insignificant village called Anakapalle and an agriculturist there stated that he was supplying 1/82 lbs. per head per day to cattle. That is the only mention of it which we find in that entire volume of the Royal Commission's Report on Agriculture; and I take my stand on that for calculating what is necessary for cattle per head, if salt will be supplied by the Government. But, Sir, whether the salt is supplied by the Government or not, I am sure of this much, that whatever salt you are able to spare for human beings, the agriculturist is prepared to share that with his cattle and make both himself and the cattle under-fed in salt. At the rate that is given in Appendix IV it comes to 22½ lbs. per head of cattle per year. Now, I ask the Honourable the Finance Member whether the provision made for production and distribution of salt in this country makes any provision at all for salt being supplied to cattle. Sir, I will give you some figures relating to the cattle in this country. I take the figures from the Report of the Royal Commission on Agriculture. Cattle and buffaloes 151 millions, sheep and goats 62.5 millions, horses, mules and donkeys 3.2 millions and camels .5 millions. These are figures for British India. In the States:

Cattle	36 millions.
Sheep and goats	25 "
Horses and donkeys	1 million.
Camels	2 lakhs 62,000.

Roughly, therefore, it comes to over 275 millions to be provided for. Now, Sir, I ask what is the provision that we can make for the cattle, and at what rate, leaving alone mules and donkeys, leaving alone also

sheep and goats? If you want to provide for the big cattle alone, we are still left with 178 millions of cattle. And, Sir, I have calculated on the basis which is given in an insignificant corner of Appendix IV to the Report on the Royal Agricultural Commission, that at least 22½ lbs. of salt per head of cattle is necessary per year. But I am quite prepared to forego even more than half, if the Government is prepared to supply at least at the rate of 10 lbs. per head of cattle, which means 1,780 millions lbs. per year. That, Sir, will give at least 22½ crores of maunds as being necessary for that supply, but if you give the proper quantity that is stated, i.e., 20 pounds per head, you will have to supply 45 crores of maunds of salt per year, whereas the provision made in this budget is for more than 6 maunds of salt, which the human beings themselves require at the most modest rate of 15 or 16 lbs. per head. Is it not a fact, therefore, that you are driving the agriculturist to forego one-half of his salt and give it to his cattle?

Now, Sir, there is yet a third item which requires salt, and that is the agricultural manure. For this also, Sir, I will quote one or two authorities. In preparing a proper agricultural manure, salt goes in for several purposes. It contains germicidal properties and is useful to the farmer, the planter the florist and the market gardener. The coffee planter uses it against coffee borer—a pest. It is a good tonic for plant life. Leibig found that the produce increased even by 120 per cent. when salt was mixed with ammoniacal manures, and my Honourable friend the Finance Member, who wants improved methods of cultivation, will remember that statement. Mr. Robertson, appointed to report on the Coimbatore Agricultural conditions, says:

"In inland countries salt is a great manure. Sea breeze gives salt for coastal lands at 300 lbs. of salt per acre. In England 600 lbs. of salt per acre are applied with every manure for several kinds of cultivation. Salt destroys weeds."

These are the observations which I have taken from Mr. Robertson. Again, I may be asked by some Honourable Member or by you, Sir, to what date that statement relates. That date, Sir, is 1871. I cannot think that the conditions have changed since then so considerably as to do away with the necessity of salt. But, Sir, I am unable to quote one sympathetic passage within the last two decades from any Englishman, and if I have to resort to any quotations or authorities from Englishman, I must refer to that race of Englishmen who lived 2 or 3 decades ago. That race is becoming extinct, and I am unable to quote, within the last two or three decades, any Englishman who has a sympathetic word to say in regard to agricultural conditions of this country. Manure, therefore, requires salt. I would ask why the Members of the Royal Agricultural Commission entirely ignored this aspect also. Before the Royal Commission on Agriculture, the question of the prohibition of export of manures from this country was very much pressed, and, even then, they did not want to go into the question of how far salt is a necessary ingredient of good manure. But what did the Agricultural Commission do? With their peculiar frame of mind, they did not even recommend the export duties being levied on the manures of this country. The matter was pressed strongly before them by witnesses, that there must be a total prohibition of exports of all manures, and if the Royal Commission had sympathetically viewed that matter, salt, which is necessary as an ingredient of

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these manures, would have occupied their attention also. Year after year, Sir, the figures of exports of manures are swelling.

Manures.				Rs.
The export value of (Animal bones) manure in 1917-18				
came to	..	..	..	47,38,000
In 1926-27	..	..	..	1,25,40,000
Oil Cakes.				
In 1917-18	..	..	..	70,93,000
In 1926-27	..	..	..	2,52,76,000
Seeds.				
In 1917-18	..	..	..	8,22,19,000
In 1926-27	..	..	..	10,08,77,000

(At this stage Mr. President vacated the Chair which was taken by Mr. Jannadas M. Mehta.)

Now, Sir, in the beginning, when the Royal Commission's Report was published in this country, I found, simultaneously with the publication of it, some reviews made, some unfavourable remarks passed, by some persons on the recommendations. I thought that they had hardly had time even to count the pages of the Report, and I thought they had based their remarks on the abridged Report, and I condemned such remarks in my articles in the *Hindu* and said that the writers should have more patiently gone through the whole Report and then passed their judgment. But, Sir, what did I gain after going through the whole volumes? I found that those who had made adverse remarks, even without going through the volumes, were wiser, and that I was in the same position as before. We have not got any sympathetic recommendations.

Now, Sir, the acreage under cultivation in this country comes to 300 millions. Excluding a third of it as receiving coastal benefit as stated by Mr. Robertson, we have at least 200 million acres under cultivation, and even if you grant not 600 lbs. per acre but only one maund or 82 lbs. per acre, you will have to supply at least 20 crores of maunds of salt. Now, what do all these things come to? So far as human beings are concerned, we have to supply at least 5½ crores, cattle 45 crores or 22½ crores, Agriculture 20 crores. Now, Sir, a real, substantial supply of salt that is necessary for this country will be 70 crores of maunds of salt per year. Instead of that you are not producing even 7 crores of maunds. Am I not justified in saying that this Government is not sympathetic after all these figures? Now, Sir, what is done in England? In England 42 millions of people are supplied at the rate of 45 lbs. per head, of which they use 15 lbs. for themselves and the remaining 30 lbs. for agriculture and industries. The whole production comes to

12 Noon. nearly 3 crores and for a country like this, should it not be at least 18 crores even according to the arithmetical proportion? I ask, what is this Government doing in the matter of producing and supplying for consumption in this country a proper quantity of salt? Now, the figures are astonishing. In 1921-22 the salt tax stood at Rs. 1-4-0, as at present. The income got by the Government was just Rs. 6,34,37,848. In 1929-30 the estimate that is made by the Honourable the Finance Member is again Rs. 6,34,64,000, barely a difference of Rs. 30,000 after

a lapse of nine years. Then evidently the Government knows that the population has not increased during the last nine years. I have given you the figure for the year following the last census of 1921 and the revenue just stands the same. That means that the same quantity of salt is being supplied. If the population has increased, the quantity has been divided among itself. If the population has not increased, I say it is due to the want of supply of proper quantity of salt for the up-keep of the health of the people. From 1901 to 1911 there was an increase of population of plus 7 per cent.; but from 1911 to 1921 the increase of population was only plus 2 per cent.; and I do not know whether, when we take the next census in 1931, it will be any plus or even a minus. Therefore, I do think that Government must pay their serious attention to the proper supply of salt for men, for cattle and for agriculture. If they really want that men should keep up good health, if they want that the cattle are to keep up good health, if they want that improved methods of agriculture must be introduced and that the agriculturists must prosper—if that be the idea of Government, then I think they must pay more serious attention to the matter than they are doing today.

Now, Sir, what is the cause of there being no increase in the consumption of salt? The high prices at which they are sold explain it. I will give you a few figures of 1927. In Madras the retail price ranged from Rs. 1-9-0 to Rs. 2-9-0 per maund; in Bombay and Sind, Rs. 2 to Rs. 3-5-0; in Bengal, Rs. 2-9-0 to Rs. 5; in the United Provinces, Rs. 2-2-0 to Rs. 5-8-0; in the Punjab, Rs. 2-4-0 to Rs. 2-9-0; in Burma, Rs. 3-5-0 to Rs. 5-1-0; in Bihar and Orissa, Rs. 3-1-0 to Rs. 4; in the Central Provinces, Rs. 2-9-0 to Rs. 3-6-0; and in Assam, Rs. 3-4-0 to Rs. 5. These are, after all, figures of the headquarters of the provinces and districts, because you find that the figures which are given there come from the district headquarters, such as, Bellary, Kurnool, Anantapur, and so on. If you go still further into the interior, people there will have to pay more, and what does this come to? It is 1,200 per cent. up to 4,000 per cent. of the actual cost of the production of salt. Can you imagine any other commodity produced which is sold at 4,000 per cent., or even 1,200 per cent. of the actual cost of that commodity, and that, a commodity which is so absolutely essential for the upkeep of men and animals? Now, Sir, Mr. J. Geddis, of the Bengal Civil Service, deposed before the 1871 Select Committee as follows:

"The cost of salt is an ordinary thing to speak about. Any native whose recollection goes any time back will always tell you about the increase in the salt duty as one of the hard things. I imagine that in the time of the Nabob of Bengal it was 2½ per cent. of the prime cost to Muhammadan and 5 per cent., that is, double, to Hindu consumers. Now, taking the rate per cent. on prime cost of salt, as set down, for example, in the figures in the Calcutta Serial and comparing the selling price of salt, and the rate of Government duty, you find a taxation, I think, of 700 per cent."

Now, the history of the salt tax in Bengal is a very long and sad tale, and I do not propose to go into that history at all. How the servants of the East India Company were allowed to loot Bengal for their own benefit was all stated by my Honourable friend Pandit Nilakantha Das yesterday. But somehow or other, by collusion or by fraud, the Company's servants allowed the English manufacturer of salt to take possession of Bengal entirely. But not satisfied with that, they wanted to proceed against Madras and Bombay also. We find an attempt made to invade Madras

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and oust the Madras salt; however black it might be, however dirty it might be. Even that was sought to be ousted by the Cheshire merchants, and we find that the force of the British capitalist, the British manufacturer was so much, that the Government had to pass a Resolution, No. 930, in the Home Department at Fort William on the 6th May, 1859. The despatch was as follows:

"From this review of the existing state of the salt tax in India it appears that, while the inhabitants of Bengal and Bihar and North West Province up to Allahabad pay a duty of Rs. 2-8-0 a maund on the salt which they consume, and while the people of the Punjab, east of the Indus and the people of the United Provinces west of Allahabad pay a duty of Rs. 2 and Rs. 1-14-0, the inhabitants of the Madras Presidency pay a duty of fourteen annas and those of Bombay a duty of annas twelve a maund. It seems therefore to His Excellency in Council that the people of Madras and Bombay may fairly be called upon to contribute to the public revenue in the shape of a tax upon salt somewhat more than they do now."

But in those days there was a little bit of parochial patriotism on the part of Governments of provinces, and in a reply, written on the 10th June, 1859, Sir Charles Trevelyan wrote in his minute:

"The salt tax is in the nature of a poll tax and it is already so heavy that the labouring population, who form the bulk of the consumers, and consequently of the taxpayers, are unable to provide a sufficient supply for themselves and their families. So much does the productiveness of this tax depend upon the consumption of salt extending to the great body of the people, that the best financial arrangement would be to lower the tax. After the great increase in cultivation, which has been the result of lowering our former excessive land tax, it can never again be said that Anglo-Indian revenue is not capable of increase by that process of consumption by diminishing the rate of taxation which has led to such happy financial and social consequences in England. Instead, therefore, of exhausting our ingenuity in devising new taxes and raising new loans, I recommend that we apply ourselves in serious sober earnest to reducing expenditure, many large items of which are capable of being immediately acted upon."

How I wish that Sir Charles Trevelyan were here to repeat the same words today! Will the Honourable the Finance Member imbibe this spirit and follow it up in his regime here as the Finance Member of this country?

Sir, having tabled an amendment to reduce the salt tax on Indian salt to 8 annas, and retain the duty of 1-4-0 on the imported salt, I should like to make my position clear from two points. It is not out of any revenge against Bengal that I want that Rs. 1-4-0 should be retained. It is on the strength of the report of the Central Board of Revenue, which has recently refused to refer this question to the Tariff Board, that I base my claim. They say that the Bengal people will not complain, whatever may be the cheapness of the salt elsewhere. The cheapness of the salt elsewhere will not affect, in the least, the consumption of imported salt in Bengal. It will remain unaffected. Therefore, if they are satisfied with that, they should not grudge some cheaper salt being given in other parts of India. Secondly, Sir, when I say that the salt tax should be reduced to 8 annas, I must make it clear that, even if it be 8 annas, or even one pie, I will consider the subject, from the point of view of national sentiment, a humiliation, but I propose it for this year as a first step towards the total abolition of the salt tax altogether from the pages of Indian finance. It is with that view, and with that goal in view, that I have put down the reduction to 8 annas, and in reducing it to 8 annas

I am supported by the authority of Dr. Paranjpye in the Taxation Inquiry Committee. He said that nothing more than 8 annas per maund should be the ordinary salt duty in this country. If, at any time, the emergencies of the Government required it they might raise it for a temporary purpose, but ordinarily, the duty on salt must not exceed 8 annas, and I have taken that view of the matter for the present. Now, Sir, let me explain—I attempted to explain yesterday, but somehow stopped in the middle of it—the fullest significance of the amendment which I have given notice of. I wanted to explain it yesterday when I was dealing with the provisions of the Indian Salt Act, but somehow I was carried away to some other subject, till I dropped it in the middle. As I pointed out yesterday, the provisions of section 7 of the Indian Salt Act give three powers to the Governor General in Council, one imposition of salt tax, secondly reducing the salt tax, and thirdly remitting the salt tax, or any portion of it. As I stated yesterday, these three terms in law has each its own significance, and I am sure the Honourable the Law Member, sitting by the side of the Finance Member, will bear testimony to the fact that a Statute does not contain superfluous words, does not contain a word which has not its own significance.

The Honourable Sir Brojendra Mitter (Law Member): It ought not to.

Mr. C. Duraiswamy Aiyangar: I accept that statement. What I say is, unless the Honourable the Law Member today finds fault with the framers of the Indian Salt Act of that time for having introduced words which ought not to have been introduced, I should think that the framers of the law then had as much attention paid to this necessary consequence of introducing words in the Statute as the Law Member does today. They were as much familiar with the interpretation of Statutes, I presume, as the Honourable the Law Member today. Now, I say, there are three words—impose taxes, reduce the tax and remit the tax. Now, the word "remission," which I am using, means that the Government remits a portion of it. In other words, Rs. 1-4-0 will be the tax which is fixed by the present Finance Bill, but at the same time it is open to His Excellency the Governor General in Council, under rules made under that very same section, to remit a portion of it, and I ask 12 annas to be remitted. In effect it comes to this—you pay me 1-4-0. I give back 12 annas. In other words I will take 8 annas, but in my book, it will be shown as 1-4-0 leviable and 12 annas remitted as a matter of grace under that rule, and the amount collected 8 annas. I put it in that form, and I make no secret of my intention in the matter, because we have unfortunately to consider another Act along with the Indian Salt Act, and that is the Indian Tariff Act. Under the Indian Tariff Act, Art. 35, we find that duty to be levied on salt imported by sea is the same as the rate at which excise duty is for the time being leviable on salt manufacture in the places where the import takes place. This has been always applied for the purpose of equalising the excise duty and the import duty on salt imported by sea, and that was evidently a protection, not for our Indian industry, but a protection for the English industry. In order that the English industry of salt may not suffer, we are asked to pay the same duty upon salt manufactured in this country. Now, Sir, be that as it may, my point now is that, where foreign imported salt has not made its headway let some relief be granted to the poor people and let the people who do not complain about it pay the tax. Then the tax which

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They were depending on France. Subsequently they found out a method of manufacturing salt. Did they impose a salt duty on the salt manufactured in England? They gave an abundant supply of 45 pounds per head. They have also been exporting their salt and sending it to Bengal. Have they levied a duty in England? Why then should another course be adopted so far as India is concerned? Are you sure that India cannot be self-sufficient? On the contrary India is self-sufficient and will also be able, like England, to export its salt to other countries which may need it.

(At this stage Mr. President resumed the Chair.)

Whenever we talk of the hardship of the salt tax, we are told that it is only three annas per head, and that it does not very much matter. We are told that no appreciable relief can be given in this matter. Personally I have no faith in these statistics. Three annas per head is the salt consumption, that is one statistical statement. Seventy-four rupees per head is the average earning, that is another statement. They say that, if a man earns Rs. 74 per year, he can afford to spend three annas out of that for salt. These are, after all, our statistical figures. The average earning of a man is raised by the earnings of the rich people. Say "A" earns Rs. 995 per annum, and "B" earns Rs. 5 per annum, their average earning, according to Government statistics, will be Rs. 500 per annum. That is not a fair way of calculating the earnings of a poor man in considering his hardship. On the other side, the salt consumption of a rich man is much less than that of a poor man. The rich man gets his salt from England even in his biscuits, whereas the poor man gets his salt only from India and requires much more than the average of three annas per head as salt consumption, for the poor man requires much more salt, and, as I have already pointed out by figures, the poor man requires considerably larger quantities of salt than are at present supplied to him. And that which is supplied is supplied at a considerably higher price than that at which he is able to get it. Sir, I move my amendment.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, coming as I do from Orissa, where millions of people were at one time living on the manufacture of salt, and who today are homeless and without bread, I whole-heartedly support the motion which my Honourable friend Mr. Duraiswamy Aiyangar has brought before the House. I am glad the Honourable the Finance Member told us the other day that the Tariff Board is going to inquire into the problem of the manufacture of salt in India. My Honourable friend Mr. Duraiswamy Aiyangar pointed out, and the other day, my Honourable friend, Mr. Neogy, also pointed out how the Government policy did away with the industry of the manufacture of salt in India. I will particularly refer to my part of the country, Orissa, where Government action did away with the manufacture of salt. I will also point out how, even now, if a protective policy be adopted by Government in my part of the country, salt manufacture can be restored, not only in that part of the country but also in almost all parts of India. The other day the Honourable the Finance Member said:

"As far as the Government are concerned, the manufacture of salt became uneconomical when railways brought the salt into Calcutta as compared with the cost when it was imported by sea. And Government, holding this view, are not prepared to undertake the manufacture of salt on an uneconomical basis."

Sir, I do not think it is one of the unimportant factors, that the price of salt today varies in different places. Salt is sold at different places at different prices, which is partly due to transportation by railway, and partly due to other methods of transportation. In the Annual Administration Report of the Northern India Salt Revenue Department, on page 3, I find the price of salt per month varied in different provinces. In the North-West Frontier Province it was Rs. 2-5-10 per maund, in Bihar and Orissa it was Rs. 3-3-8 per maund, and in the Central Provinces it was Rs. 3-3-7 per maund; in Rajputana it was Rs. 2-4-10, and in Central India, it was Rs. 2-11-10. These are the figures for 1925-26. The figures supplied for 1926-27 varied slightly from those for 1925-26. In the matter of transport, cheap transport facilities may have been provided by the railways. That is not an unimportant factor, and want of proper transportation facilities actually killed the salt industry in India. But the fact remains, prices vary, and so salt can safely be manufactured in localised areas to feed certain areas at suitable prices, to compete with imported salt.

I will now show that it was the deliberate policy of Government to kill the salt industry in India and to do away with salt production in India. Sir, of course the Government, in the year 1929, may say that the salt industry is not an indigenous industry and has no chance and so is not to be protected. In the good old days of the East India Company, Government, when probably the Company Government had its prick of conscience, used to think how best to protect the indigenous salt industry, whereon millions depended for their subsistence. We have to go back to old records to visualise what they felt then. I find in the Report of the House of Commons, Indian Territories, Fourth Report, 1853, there is an appendix where the Secretary of the Board of Revenue addressed a letter to the Secretary of the Government of Bengal on the 29th June, 1852, on the salt policy of the Government of India. I read paragraphs 22 and 23 of that report to show the policy of the Government, and how, at the time, Government were feeling that imported salt was killing the indigenous salt industry of India. Paragraph 22 says:

"The result of this unexpected increase in the supply of foreign salt has, of course, been to compel the Government to contract the home-manufacture, and, in pursuance of that object, to abolish the agency of the 24 Pergunnas, to suspend the manufacture for an indefinite period in Chittagong, and to limit it in Cuttack to the quantity required for local consumption. The provision in the remaining agencies has also become less than in former years, and is likely, unless measures can be taken to alter the present tendency of affairs, to be still further diminished. No salt is now manufactured along the whole line of coast from the Hooghly to the southernmost point of the Chittagong district."

Paragraph 23 says:

"This state of things, so injurious to the home producer and to the industrial interests of the country, appears to the Board to demand close inquiry and, if possible, the application of a remedy. *The discontinuance in any district of a manufacture in which thousands of persons have been engaged all their lives, and from which they have derived a large portion of their subsistence, is a most serious calamity, which the Government is bound to avert by every possible means.*"

(Speaker's Italics.)

"consistent with the maintenance of the revenue derived from salt and with fairness to the foreign importers."

Sir, when I began my speech, I said there were more than a million people in Orissa alone, who were subsisting on salt manufacture, and it is the abolition of salt manufacture in Orissa that did away with these people.

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and did away with the method of their earning a livelihood, however meagre it was.

In an Appendix at the end of that Report I find there is a statement which gives the cost of salt manufactured in Orissa in the year 1849-50. In Orissa there were three districts where salt was manufactured by Government. In Balasore district the total quantity of salt that used to be produced was 3,45,489 maunds and the cost of production to the Government was Rs. 1,83,833. In the Cuttack district, the total production of salt was 2,14,799 maunds, and the cost of production to the Government was Rs. 1,19,699. In the Puri district, the total production of salt was 5,18,824 maunds, while the cost of production came to Rs. 1,66,874. In fact, the Government had been producing about 10 lakhs of maunds of salt when they monopolised salt manufacture, and their expenditure came to about Rs. 5 lakhs. But at that time they used to levy a tax of Rs. 2-8-0 per maund, and the income which the Government used to get from the Orissa salt was a figure much higher than Rs. 20 lakhs. Now, I won't speak in my own words, but I shall quote certain high authorities as to how the salt industry was killed by the Government policy of revenue tariff and also their policy of encouragement to importers to bring in foreign salt. There was an inquiry committee in the House of Commons, and they went into the question as to the effect of importation of foreign salt into India, and one Frederick James Halliday, Esq.—I think he was a high Bengal official at the time—gave evidence. He was one of the many people who appeared at the time before that commission of inquiry. While discussing the policy of the Government of the time of giving more and more facilities to the importer and putting great obstacles in the way of the manufacture of Indian salt, Mr. Halliday said that:

"The Government system has told against itself, and in favour of, instead of against, the importer."

This policy of the Government, whether it was accidental or whether it was deliberately done, tended to help the importers of salt, and thereby the manufacture of salt was slowly and by degrees abolished. I shall quote another important extract, Sir. My Honourable friend, Mr. Neogy, quoted it on another occasion, but the remarks are so pertinent here that I take the liberty to quote it again. A question was asked of Mr. Halliday, question No. 7596, as below:

"Supposing all duty were taken off the import of salt, and the Government abandoned any interest in the manufacture of salt, leaving the manufacture of salt free to the natives, without any excise duty or any impediment, what, in your opinion, would be the effect upon the importation of salt to India?"

The reply given was:

"It is generally understood by those best acquainted with the subject, and it cannot be denied by any one who looks into the details, that the present price of the Government-manufactured salt in Bengal is very much raised to the consumer in the market by the necessary want of economy, not to say extravagances, connected with the Government system of manufacture, and by those many speculations and extortions, and corruptions which are inevitable in such a system, and carried on with such instruments."

I would invite the attention of the House particularly to the following sentence, which is important:

"It has seemed almost certain under those circumstances to persons informed upon the subject, that if the Government were to withdraw, if there were no duty imposed, and the whole were left perfectly free, the native manufacturers in Bengal would forthwith completely and entirely undersell the imported salt, and there would not be a grain of salt imported into Bengal."

I am sorry my Honourable friend Mr. Kabeer-ud-Din Ahmed is not here now. I would be able to take him back to 1850, when in Bengal, though salt was imported in large quantities, the Government at the time felt it was doing great harm to indigenous salt. Now, Sir, that sentence, which I read just now, sums up the demand made by this side of the House. If Government revise the tax on salt by which they are raising a huge revenue, if they see their way to abolish the salt tax completely, India can become self-supporting, in spite of high-sounding theories that are being advanced, that there will be no advantage gained therefrom and that the scientific system of manufacture followed in foreign countries will not permit the Indian manufacture being carried on. Sir, as a parallel example, I may say that, even in spite of aeroplanes and motor cars and tram cars, bullock carts are still plying in the streets of India and their numbers have not decreased, nor is their utility less today. So, even if the system of the manufacture of salt has all along stood in its crude stage in this country, owing to the climatic, social, economic, and other conditions prevalent here, that system will always be able to compete with any up-to-date scientific or mechanised process of manufacture of salt. (Hear, hear.) So obstruction should not be the policy of the Government. The policy of the Government should be to restore and revive the indigenous industry, which was, and is, our national industry, and not to persist in its old policy, in spite of England being not now such a large exporter of salt to India as in the old days. I say Government should not persist in such a policy of not helping the home industry; they must revive the indigenous industry of India by abolishing the salt excise duty on indigenous salt and by raising a tariff wall against imported salt.

Sir, I put forward these views in expectancy; and I would not have put them forward had I not felt a little happy at the assurance of the Honourable the Finance Member the other day that there would be an inquiry by the Tariff Board; and if the Tariff Board are not actuated by any other sentiments or policy than the principle that this particular indigenous industry should develop and India be self-supporting in salt, then naturally they will go deeply into the old records of the Government of India and into the books of the library of the Secretariat, to see how the pernicious administrative policy of the Government of India in the past has killed this one indigenous industry in particular parts of India. I am sure, but for that policy of the Government, other parts of the country would have also begun to take to this industry. Still, Sir, I do not think it would be impossible for the Government to abolish this salt tax. My Honourable friend Mr. Duraiswamy Aiyangar's suggestion is a very plausible one. He says "abolish part of the excise duty". If the Honourable the Finance Member abolishes part of the excise duty now, in spite of our voting it down or not voting it down, naturally he may anticipate the recommendations of the Tariff Board and abolish the other part of the duty next year or some time hence after the report of the Tariff Board be made.

Sir, one word more and I finish. I feel I must comment on the statement of the Honourable the Finance Member the other day on the Orissa salt industry. He said:

"Generally speaking, the possibilities of producing salt in Orissa are, according to the opinion of the Government, not at all favourable. There are serious physical disadvantages. The brine does not contain as much salt as could be expected, because the water from the rivers flowing into the sea is generally more than the normal quantity."

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Elsewhere he said, in reply to the speech of Pandit Nilakantha Das, that the Government had no knowledge of any particular allegation regarding obstruction to the manufacture of salt by the Raja of Parikud. He proceeded :

"The Government of India have no knowledge of the particular allegation. It is an agency subject in Orissa, and it must be the Bihar and Orissa Government that has dealt with the alleged application. However, we will take steps to inquire into the matter."

Regarding the scientific analysis of the salt manufactured and the low value of salt, I do not feel it to be a great drawback. As I said, already, we will proceed to manufacture in our own crude way, as we had been doing all along; it is a cottage industry. Let it be developed in that form when incidentally, it will provide means of subsistence to millions of people of this country along the coast of Orissa. And such salt as is produced will continue to be taken on bullocks and in bullock carts to the interior of the country in spite of big rivalry by the railways and steamship companies. These are places which are only approached by country boats and bullock carts. So fear of competition of modern modes of transport need not deter us from reviving an old cottage industry. As my Honourable friend, Pandit Nilakantha Das the other day said, Orissa salt used to be sold in the interior of the Central Provinces. So, Sir, in view, of the righteous intention of Government, I have once again raised and pleaded this question of salt manufacture on the Orissa coasts, and let me hope in all earnestness that Government are going to put their intention into action regarding the manufacture of salt on the Orissa coast.

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

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. President in the Chair.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadan): I am aware, Sir, that speaking as I do on the subject after the lengthy debate that took place on the 7th March, and after the exhaustive speeches that have been delivered on this occasion by my friends Mr. Nilakantha Das and Mr. Duraiswamy Aiyangar, I am labouring under a distinct disadvantage.

Mr. President: What about Mr. B. Das?

Kumar Ganganand Sinha: As a matter of fact I am at a disadvantage because I speak after the speakers who have preceded me.

Mr. President: Is there anything new?

Kumar Ganganand Sinha: Yes, Sir. I take part in the debate mainly with a view to review the motions before the House as briefly as I can in my own way. After having recorded our vote for not taking the Bill into consideration, I think the consistent course for us to follow would have been to vote this clause down too. But I find that the amendments

that have been moved with regard to this clause mean—some of them at least—practically the total rejection of this clause, and I think I can take up that position in discussion on amendments. Sir, the Honourable the Finance Member, while winding up the debate on the consideration stage of this Bill, characterised these Benches as filled by persons whose suggestions were destructive. True, we are out to destroy the Finance Bill, and if possible the system of Government which has brought it forward; but he must also have known by this time that at least one of the amendments that has been moved with regard to this clause, I mean the amendment standing in the name of Mr. Duraiswamy Aiyangar, is not a purely destructive one. In his elaborate speech he has quoted facts and figures to show that his amendment, if the Government would accept it, would be a destructive amendment so far as their own clause is concerned, but a constructive amendment so far as the nationalist point of view is concerned. We on these Benches have clamoured, and clamoured in vain for all these years, for two things mainly, namely, that the Indian salt industry should be fostered, and secondly that the salt should be made cheaper. It has been the position of my Honourable friend, Mr. Kelkar, also when he moved his cut on salt the other day. He has made it clear in his speech and I crave the indulgence of the House to quote a sentence from his speech which sums up his position. He says:

"I would not oppose a small salt duty because it would be a revenue duty; and in my opinion even the poorest of the poor under the constitution and under this Government, if they should be self-respectful, should be expected to contribute say about 8 annas for a maund of salt."

Of course he has taken up a middle position; he has taken up a position by which he ably establishes that we would be benefiting the salt industry in India and also cheapening the salt in this country. The position taken up by my friend, Mr. Duraiswamy Aiyangar, is much the same when he moved his amendment. But the fact is that, although Honourable Members on his side of the House want that a nominal duty may remain on salt, they have emphatically stated that this tax is an obnoxious tax and the earliest opportunity should be taken to abolish it altogether. The latest observation on this point was the one made by the Indian Taxation Inquiry Committee, and I think it would bear repetition if I read a few sentences that have been already quoted in this House. The Taxation Committee say:

"The objections to this tax are all well known. It falls on a necessary of life, and to the extent that salt is essential for physical existence, it is in the nature of a poll tax. The bulk of it is made by those who are least able to contribute anything towards the State expenditure. Salt is also required for the various industrial and agricultural operations and for cattle. Unless it is issued duty free for those purposes, some burden is thrown upon the industries in which it is used."

Sir, I would again and again draw the attention of Honourable Members on the Treasury Benches to these observations of the Taxation Inquiry Committee.

Sir, the feeling of the people of this country with regard to salt tax was made abundantly clear during the agitation that followed the certification of the enhanced duty on salt, which was levied by the Finance Bill of 1922-23. In the publication called "India" for the year 1922-23 and 1923-24, a summary of what happened in the country is given, and it would perhaps refresh the memory of this House if I read the observations contained in those volumes, instead of attempting to express them in my

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own language. At page 295 in "India in 1922-23" under the caption 'Salt tax', the following observation occurs:

"The salt tax has, from its early days, been unpopular, the agitation against it dating back almost for 20 years. The objections to it, though mainly sentimental, are none the less real. . . . Little attempt was made to dispute the accuracy of the Government's assertion that the burden upon each individual and even each family was extraordinarily small, but in the eyes of the Assembly, the salt tax the incidence of which extended to the poorest of the poor was *per se* distasteful. Apart from any question of compunction, which they might have had in adding to the burden of the classes sunk in poverty, the majority of the Members had naturally to consider the question of their approaching election. They urged that the imposition of the enhanced duty would place a premium upon non-co-operation, and if they failed, their position in the eyes of their constituents would be gone for ever."

Sir, the author of this publication admits that this is an unpopular tax and it has continued to be unpopular for many years, but he belittles the vote of the House by saying that it was on account of the consideration of approaching elections that the reduction was carried in this House, and the duty had to be certified by the Viceroy. Sir, I may point out to Honourable Members on the opposite Benches that it is not proper to treat lightly the consideration of approaching elections which prompted the House to vote down the tax,—because election plank is a matter which should receive due consideration both from the popular representatives in this House and Members on the Treasury Benches. After all, what business have they to occupy those Benches if they do not accede to the popular demand? That there has been a popular demand for it has not been challenged. On the other hand it has been admitted again and again by the official chronicler in his review of "India in 1923-24". He admits in his Report that the cry about the salt tax had its effect on the elections, and the people did not vote for those who had any hand in the enhancement of the salt tax. The people thought that the Swarajists who went there would bring sufficient pressure on the Government to make such things impossible. This was, as the chronicler says, one of the reasons which accounted for the increasing return of the Swarajists to this House. I think that it should have acted as an eye-opener to the Treasury Benches, and they should have known how unpopular the salt tax was and how it was hated by the country at large. The Government Benches cannot deny that the burden of this tax falls mostly on the agricultural population, and if I just describe the condition of the agricultural labourer in the words of the official chronicler, the author of "India in 1927-28" I think it would be conclusive proof to show how unjust the salt tax is. Sir, on page 97 of "India in 1927-28" he admits that:

"There is a vast amount of what can be only termed dangerous poverty in the Indian villages, poverty is of such a kind that those who are subject to it live on the very margin of subsistence. This may be taken to be the normal state of millions of agricultural labourers who own no land themselves and whose income consists mostly of customary wages paid in kind."

These are the people, Sir, on whom the burden of this obnoxious tax falls, and if the Government persist in continuing this tax, I fail to understand in what words they should be condemned for committing this atrocity. In the debate that took place on the 7th March there was a significant point brought out by the Honourable the Commerce Member in this connection. He said:

"Now, Sir, several speakers attributed the policy adopted by the Government of India and the East India Company in the past to a desire to encourage the British

product at the expense of the Indian product. Into the question of history I do not propose to enter at all today; but lest any Honourable Members should have an impression that, on this side of the House, our policy is in any way influenced by a desire to assist or protect the manufacture of salt in England, I should like to give a few figures. The total consumption of salt in India—that is to say, imports and local production—in the year 1927-28 was a little more than 2 million tons. The imports were about 6,00,000 tons, and the imports from the United Kingdom about 80,000 tons—that is, only 4 per cent. of the total consumption and only 13 per cent. of the total imports. Now, I think it must be clear that the quantity involved is relatively so small that to suppose that that is a guiding factor in our minds would almost be an insult to the intelligence of the Treasury Benches—I will not put it higher than that."

By making this observation, he led us to believe that the importation of salt from the United Kingdom was not a factor which weighed with the Government, and that the intention of the Government was not to encourage British salt manufacture at the cost of the Indian. What we say is this, that it is due to the British imperialistic commercial policy that salt is imported into this country. Well, Sir, it may be that salt may not be loaded at Liverpool and brought to the Indian coast. We know that tramp ships come with merchandise loaded from English and adjoining ports, and they bring the merchandise to Aden and Egypt. They have very little expensive merchandise to carry from Egypt to India and they have to take Aden salt and Egyptian salt and import them to the Indian ports at a very nominal rate. They have to take this supply of salt after having unloaded the merchandise in the ports of Aden and Egypt; otherwise, they would not be able to ballast their ships, which come here to carry away the raw produce from this country. They have to flood the United Kingdom and the European countries with raw products from this country as they have to flood this country with finished articles of foreign manufactures. In this process the carrying to and fro of salt helps them a good deal, and that is one of the reasons why we say that it is a part of the British imperialistic commercial policy which is responsible for the importation of salt into this country.

Before I dismiss this subject, I would like to quote a few figures of the import of soda compound which would go a very great way in establishing that the plea that Government is not helping the British trade of salt is quite without substance. In 1923-24 the import figure of soda compound into this country was 10,73,716 cwts.; in 1924-25, 11,81,974 cwts.; in 1925-26, 11,46,565; in 1926-27, 13,99,266 cwts.; in 1927-28, 14,90,507. Their values in these years respectively are in rupees:

95,65,664

1,00,07,141

88,39,075

1,05,75,192

1,12,35,381.

These are the total import figures for all the years that I have mentioned, and when we compare them with the import figures of the British Empire we irresistably come to think as I have already stated. We will see that large part of this imported soda compound has been imported to this country by the countries in the British Empire. In 1923-24, the import from

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British Empire is 10,21,985; in 1924-25, 10,70,598; in 1925-26, 10,84,278; in 1926-27, 12,95,091; and in 1927-28, 13,98,604. The value in rupees is:

87,86,389
87,76,231
80,09,456
94,86,089
1,00,29,311

respectively. So it does not lie in the mouth of Honourable Members opposite to say that they are not benefiting the British Imperial trade by their apathy towards Indian Salt industry. I would just give another example of how they are not as earnest in this matter as they should be. The Taxation Inquiry Committee recommended:

"In the case of agriculture, rules have been issued in Bombay, which appear to be on the right lines, and the Committee would suggest that they should be extended to other provinces."

This is at page 147 with regard to duty-free issues. But in the Report on the Administration of the Salt Department in the Bombay Presidency we find:

"Denatured salt for use as manure, free of duty at the fixed rate of 13 annas per maund, was issued from convenient customs houses, salt works and fish curing yards to the extent of 2,900 maunds during the year under report against 2,407 maunds during the previous year."

So, the use of denatured salt is also increasing, and it will be interesting to know what steps Government is taking to carry out the recommendations of the Taxation Inquiry Committee, which I have just quoted.

Now, Sir, we may be asked, if we are going to reduce or omit the salt duty, how we are going to make up the shortage in revenue? The only reply that we can give to that query is that it is none of our business to suggest that, unless we have got the responsibility. Had we the responsibility in our own hands, had we, the representatives of the people, the framing of the budget in our hands, the question coming from those Benches would have been pertinent. Here, we are denied that responsible position. Here, we are told that the Government do not share their responsibility with the elected representatives of the people. And for the Government to ask us to suggest another source of revenue is something which I cannot understand. I hope the debate will attract the serious attention of the Government and with that hope I resume my seat.

Several Honourable Members: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: I propose to put the amendments one by one to the vote, except the first two, which are in the name of Mr. Ram Narayan Singh, which I shall put to the vote together.

The question is:

"That in clause 2 of the Bill, after the words 'to impose' the words 'or to remit' be inserted,"
and

"That in clause 2 of the Bill, for all the words occurring after the words 'the 1st day of April, 1929,' the following be substituted:

"They remitted all such duties hitherto imposed on salt manufactured in or imported by land into any such part, and such remissions of duties shall, for the purposes of the said Act, be deemed to have been effected by rule made under that section'."

Pandit Nilakantha Das (Orissa Division: Non-Muhammadian): May we expect the Government reply on the first amendment?

The Honourable Sir George Schuster (Finance Member): I thank you, Sir, for giving me an opportunity to say a few words in reply. I do not wish to take up the time of the House at all long on this particular question. The grounds on which the Government must, I regret to say, oppose all these amendments are that there is no reasonable alternative available to the Government to replace the revenue which would be obtained from the salt duty which we have proposed. That being our real reason for rejecting these amendments, I do not wish to enter upon a long disquisition as to the merits of the salt duty. I am sure Honourable Members will recognise that this is a practical question, and as I say, there being no other reasonable alternative available, we must proceed with our proposals. There are, however, one or two remarks which I should like to make, arising out of what has been said by the other side. We have to deal, broadly speaking, with two classes of amendment—amendments which propose either the abolition or the reduction of the tax, taking the tax on imported salt and on salt produced in India together—that is one class of amendment—and the other class of amendment is that which proposes to create a differential rate of duty, that is to say, to reduce the excise duty on salt produced in India and to leave the import duty at its present level. I take it, Sir, that the purpose behind that second class of amendment is a double one. It is aimed, in the first place, at reducing the cost of salt, and in the second place at increasing the production of salt in India. As regards the reduction of the price of salt, the arguments in favour of that would be the same as those which would be advanced in favour of the total abolition or reduction of both import and export duties, and on that the only thing which I have to say is this, that if we are looking at the benefit of the poorer classes of this country, I think it is very doubtful whether they would, in fact, receive the full benefit of the reductions which are proposed. One has to realise that salt is sold in very small quantities and that the Government has no power to control retail prices. The reduction of four annas per maund would only mean the reduction of just over one pie per seer and I think the opinion, at any rate, of our experts on that matter is that such a reduction would not in effect be passed on to the consumer. When you come to a larger reduction, say 12 annas per maund, some of it might perhaps be passed on, but I would ask Honourable Members to consider this question on the practical side, and, while I quite sympathise with all the arguments I have heard, I think their criticism might be more effectively directed to the way in which the proceeds of the salt tax are applied, rather than to the actual levy of the tax itself. What I mean by that is that I do not believe the poorer classes of this country would

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get the full benefit of a reduction, and I believe it would be better for them if the tax were retained and the money were used directly for purposes beneficial to them. That, Sir, is, at any rate, the way in which I would look at this question, taking the interests of the poorer classes of this country into consideration.

As regards the proposal to introduce a system of differential duties, so as to encourage the production of salt in this country, I think it is necessary to take into account the fact that that proposal might not benefit the consumers in this country. Two-thirds of the total salt consumed in India is produced at home, and if we have what amounts to a protective duty, it is likely that the price of the home produced article would be raised up behind the wall of that protective tariff. There again, I think, the poorer classes of the country will not get the benefit which the Honourable Members who proposed these amendments have in mind.

On the question of the general policy of making India self-supporting as regards the production of salt, that was a question which was touched upon in previous debates, and both my Honourable colleague, Sir George Rainy, and I dealt with that question. The demand had been put forward that a Tariff Board inquiry should be instituted into the matter. My Honourable friend, Mr. B. Das, in his speech, said—if I understood him correctly—that we had now undertaken to have a Tariff Board inquiry. I must point out that that is going rather farther than anything which I said on the subject. I said that it seemed to me that circumstances had changed since the matter was debated last year, and that that change in circumstances might alter the Government's view that there was now a *prima facie* case for a Tariff Board inquiry. I gave this House an undertaking that I would myself pay a visit to Karachi, which is the principal centre where the sort of salt that is imported from abroad could be manufactured. I said that I would visit Karachi, and as soon as I had done that, I would take the matter up again with Sir George Rainy. That is the position in the matter. As a matter of fact since I addressed the House on that question, I had an opportunity of seeing one of the Managing Directors of a new company which has been started at Karachi for the production of this fine, white, crushed salt, and according to his statement there is the possibility of producing fine, white, crushed salt on a large scale at Karachi. The difficulty, as far as I can see it, will be how the very large quantities—we are dealing with a matter of 500,000 tons—can be transported from Karachi to Calcutta. That can only be done by sea. Salt will not stand the heavy railway charges, which would necessitate the salt being carried at a loss, and I think that Honourable Members will recognise that, to carry anything like 500,000 tons a year from Karachi to Calcutta is a very important undertaking, and it cannot be done unless the ships which take that salt get some sort of backward freight. You cannot introduce a huge new factor of that kind into the trade unless it can be made to fit in with the general ebb and flow of traffic.

I only mention this point to indicate to the House that we are considering the question, and that it has been possible for me to get more knowledge about it since it was brought up in debate in this Assembly a few days ago.

There were certain points in the very interesting speech by Mr. Duraiswamy Aiyangar, to which I think I should make some reference. He complained about the high prices of salt in certain districts, but that, of course, is due mainly not to the duty but to the transport charges. I think that is a point which is often forgotten. The initial cost of production is very small, and the duty is also relatively small, but in many parts of India the biggest factor of the price is the cost of transporting it from the place where it is produced to the place where it is marketed.

Then he spoke at length on the needs of salt for cattle, and again of the needs of salt for agriculture for purposes of fertilizers. I want to mention one thing to him, and that is that we already have arrangements that salt, to be denatured with crude oil and bone dust, is issued free of duty in Bombay. I think this Government will be prepared to give an undertaking to consider any application for extending the use of an arrangement of this kind, if it is supported by the local Governments' Agricultural Departments.

I have only one other word to say on this subject, Sir, and that is that the last speaker seemed to have taken me as having described the amendment put forward by Mr. Duraiswamy Aiyangar as a destructive amendment. I did not, in the least, regard his amendment as a destructive amendment, and when I made the remarks to which he referred, I referred to something very different.

Kumar Ganganand Sinha: I said it was destructive of the clause of the Finance Bill, but constructive so far as the Nationalist point of view is concerned.

The Honourable Sir George Schuster: I am afraid I have not caught the Honourable Member's point, but the point I wanted to make was that I did not regard Mr. Duraiswamy Aiyangar's amendment as merely destructive criticism.

I have dealt with those few points. I want to emphasize that, in dealing shortly with this matter, I do not wish the House to understand that I regard it as of small importance, but I do not think I am justified in taking up the time of the House in arguing this general question when I said that the real reason we must press for the retention of the duty is that we can see no practical alternative to raise the money for carrying on the business of the country.

Pandit Nilakantha Das: May I request the Honourable Member to give us his views on the salt earth cottage industry?

Mr. President: The Honourable Member may request, but it is for the Honourable the Finance Member to comply with that request.

The Honourable Sir George Schuster: If I have heard my Honourable friend correctly, he wishes to know whether Government could do anything to develop cottage industries?

Pandit Nilakantha Das: The salt earth industry in particular.

The Honourable Sir George Schuster: Saltpetre? Mr. Gaya Prasad Singh asked me a question on that matter two or three weeks ago. I immediately inaugurated enquiries into the matter and I have, waiting on my desk in my office room, a very large file containing a report and practical proposals. But the length of the debates to which I have been forced to sit and listen during the last ten days has made it quite impossible for me to read that file. I should like Honourable Members to take that as a practical illustration of the difficulty of carrying on Government if we have to spend a great deal of unnecessary time in listening to speeches on matters of this kind. I don't wish to say that the Honourable Member himself spoke in any way for the purpose of obstructing the business, but I do think he might have said all that he had to say in something less than one hour and fifty minutes.

Pandit Nilakantha Das: But that was not the question here.

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadan Rural): Sir, I wish to ask the Honourable Member if he is prepared to take into consideration the recommendations of the Taxation Inquiry Committee as to the extension of the rule for giving duty-free salt for the purpose of agriculture?

Mr. President: Order, order. I will put the two amendments of Mr. Ram Narayan Singh.

The question is:

"That in clause 2 of the Bill, after the words 'to impose' the words 'or to remit' be inserted";

and

"That in clause 2 of the Bill, for all the words occurring after the words 'the 1st day of April, 1929,' the following be substituted:

"They remitted all such duties hitherto imposed on salt manufactured in or imported by land into any such part, and such remissions of duties shall, for the purposes of the said Act, be deemed to have been effected by rule made under that section'."

The motion was negatived.

Mr. President: The question is:

"That to clause 2 of the Bill the following be added at the end:

"and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed be construed as if with effect from the 1st day of April, 1929, they remitted the duty to the extent of the said one rupee and four annas and such remission shall be deemed to have been made out of the leviable duty by rule made under that section'."

The motion was negatived.

Mr. President: The question is:

"That to clause 2 of the Bill the following be added at the end:

"and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed be construed as if with effect from the 1st day of April, 1929, they remitted the duty to the extent of twelve annas out of the said one rupee and four annas and such remission shall be deemed to have been made out of the leviable duty by rule made under that section'."

The Assembly divided:

AYES—45.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanashyam Das.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navarai, Mr.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mittra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.

NOES—50.

Abdul Aziz, Khan Bahadur Mian.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut. Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Keane, Mr. M.
Kikabhai Premchand, Mr.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.

Mitter, The Honourable Sir
Brajendra.
Mohammad Ismail Khan, Haji
Chaudhury.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. President: I shall now put Mr. Amar Nath Dutt's amendment to the House. The question is:

"That in clause 2 of the Bill for the words 'one rupee and four annas' the words 'eight annas' be substituted."

The Assembly divided:

AYES—42.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.

Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. B. C.
Sarfaraz Hussain Khan, Khan.
Bahadur.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.

NOES—51.

Abdul Aziz, Khan Bahadur Mian.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur.
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Cresser, The Honourable Mr. J.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut. Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Keane, Mr. M.
Kikabhai Premchand, Mr.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra Nath.

Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji Chaudhury.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur.
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. O.
Roy, Rai Bahadur Tarit Bhusan.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Tirloki Nath, Lala.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. President: I will now put Mr. Jogiah's amendment to the vote.

The question is:

"That in clause 2 of the Bill, for the words 'one rupee and four annas' the words 'ten annas' be substituted."

The Assembly divided:

AYES—48.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.

Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. B. O.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan.
Bahadur.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.

NOES—52.

Abdul Aziz, Khan Bahadur Mian.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur.
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Cresser, The Honourable Mr. J.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut. Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Keane, Mr. M.
Kikabhai Premchand, Mr.
Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.

Mitra, The Honourable Sir Bhupendra Nath.
Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji Chaudhury.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur.
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Tirloki Nath, Lala.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. President: There is yet one more chance for Honourable Members (Laughter.)

The question is:

"That in clause 2 of the Bill, for the words 'one rupee and four annas' the words 'one rupee' be substituted."

The Assembly divided:

AYES—56.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Anwar-ul-Azim, Mr.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sessa.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Ghuznavi, Mr. A. H.
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Hussain Shah, Sayyed.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jannadas M.

NOES—44.

Abdul Aziz, Khan Bahadur Mian.
Alexander, Mr. William.
Allison, Mr. F. W.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Cresser, The Honourable Mr. J.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Keane, Mr. M.
Kikabhai Premchand, Mr.
Lall, Mr. S.
Lamb, Mr. W. S.

The motion was adopted.

Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Mohammad Ismail Khan, Haji
Chaudhury.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. B. C.
Roy, Rai Bahadur Tarit Bhusan.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Singh, Raja Raghunandan Prasad.
Sinha, Kumar Gangadand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Tirloki Nath, Lala.

Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir
Brojendra.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

Mr. President: The question is that clause 2, as amended, stand part of the Bill.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, as we did last year on this very same motion, I desire this year also to lay on record the very deepest conviction of the vast majority of non-officials in this House that they regard the salt duty as something which in its principle and in its application, is very much opposed to their feelings of righteousness. I am quite prepared to admit, Sir, the official statement that the one tax that falls upon people, a political tax, therefore, as it is sometimes called, is the salt tax. I am prepared to admit that every man, every woman and every child in India has to pay this tax as in no other case every man, every woman and every child in India has to pay. The income-tax falls upon only those who are supposed to earn large incomes, and whether they pay it themselves or whether they get it from others, as some of my friends contend, it does not matter, it comes for the time being from them. Customs duties, postage stamps and so on are also supposed to come only from those who want to utilise the postal services or the customs department, but it is admitted that the salt duty falls upon all human beings as well as cattle. And, Sir, if it is therefore to be a duty which every one has to pay in return for what is called the protection which he enjoys at the hands of the Government, then the old political maxim, "No taxation without representation" in the case of this tax will hold good more than in any other case. If all the people have to pay a tax, then they must have some measure of representation, some measure of responsible government, some voice in carrying on the administration of their everyday affairs in which they are directly concerned. I put the question in all seriousness to the Government Benches, whether they can honestly say that all the men, women and children who pay this salt tax have really any hand, direct or indirect, in regard to the administration of any affairs in this country. We come here, most of us, the elected members of this House, come here from general constituencies, with the votes of very large numbers of those whom you may call the ordinary people; but we do not represent, we do not get the vote of every man in every general constituency. There is a property qualification, and it is fairly high, and I am sure I need not labour this point, that it is only by those who possess this high property qualification in our electorates, that members of the general constituencies are returned. Therefore, a very large bulk of the people—there are about 18 lakhs of inhabitants in the constituency by which I am returned, and the maximum number of voters in my constituency is between 21 and 22 thousands and therefore, a very large bulk of them are not really represented here. Unless therefore the day comes when we are fit for and when we can exercise reasonably and efficiently any powers of adult suffrage that we may get at any future time, till then it cannot be contended that the vast bulk of those on whom the salt tax falls do get any measure of representation. I therefore say that only some of those who pay the salt tax return us and not all. Not even those who are returned by the general constituency in this House can make the claim that they represent all the people in their constituency. Therefore, Sir, it is obvious that all are good enough for paying salt tax, but all are not good enough for returning Members to the Legislatures. It comes to that

Maulvi Muhammad Yakub (Rohilkund and Kumaon Division: Muhammadan Rural): They are represented by nominated Members.

Mr. M. K. Acharya: I do not want to labour the point. It will be plain to anybody who is conversant with contemporary politics. It is very plain that there is no measure of representation for all the people in this country, not only with respect to the higher Legislatures, but even with respect to their own affairs. They do not have any voice in the administration of their vital interests, in their own little towns and villages. There is no measure of self-government anywhere, no measure of self-government which will really justify any amount of political, universal, tax upon a people who are simply asked to pay a tax, and who have no voice in the administration of their affairs. It is on this large question, Sir, that I wish to enter my very strong protest against the continuance of this salt tax. My friends who have preceded me have been very eloquent and I do not think I can justly lay claim either to the histrionic talents of my good friend, Pandit Nilakantha Das, or to the eloquent statistics of my friend Mr. Duraiswamy Aiyangar. They have proved beyond doubt that this tax falls heavily upon the poor man in the country. It may be that those who sit in palatial houses do not know how the poor man suffers from hunger and want; it may be that some of them, even though they may know it, may think that it is part of the inevitable, inscrutable law that governs the universe that those who suffer must go on suffering and those who prosper must go on prospering, but philosophy may only help us to see the terrible misery; it does not help us to remove the misery, however much this House, I or anybody else may try to help them. In a word, Sir, it is obvious that this salt tax does fall heavily upon the poor people, and my friends have given statistical proof to show that, whenever the salt tax had been reduced, the consumption of salt had risen considerably in those years, though it may not have risen exactly in arithmetical proportion. And so I hope that, after the little cut which we carried a little while ago, the Government. Benches will think twenty times before they advise His Excellency the Governor General to certify or restore the duty back to Rs. 1-4-0. I hope they will carefully consider what the consequences of this restoration will be in the minds of the people at large in the country; even that little cut may carry us to some extent towards helping the poor people, and what is of greater consequence, we shall be helping them in getting a little more salt for their dumb driven cattle in the fields. Therefore, Sir, I wish, as a matter of duty, to lay on record my strong protest against this clause standing part of the Bill, which is the motion before the House. I do not, Sir, at this late hour, wish to inflict myself upon the indulgence of the House. I know that I am not a *persona grata* with any section of the House, but, Sir, I shall be untrue to myself if I do not enter my strong protest against this iniquitous salt tax. It does not matter to me how many here stand up and protest against this tax, I have lived all my life upon the conviction that:

"They are slaves who dare not be
In the right with two or three!"

So, standing here as a representative of my constituency, and indeed of the vast bulk of the people in this country, I do say, Sir, that the Government will be well advised to take early steps to remove this obnoxious

and iniquitous salt tax from the Finance Bill, before it is again brought before, I hope, the next and more representative Assembly. I strongly feel about this tax, Sir, and therefore I oppose the motion before the House.

Pandit Nilakantha Das: I shall take very little time, Sir.

Mr. President: It is very unusual. If no Member moves a closure I am helpless. Pandit Nilakantha Das.

Pandit Nilakantha Das: I shall speak only two or three minutes. When I am on my legs, my heart trembles over the consideration as to whether I shall make a long speech or a short speech, for when a man is on his legs, he has to take to his own manners and ways of putting things. If he looks for pleasing others, he is a failure. He ought not to speak at all. And similarly those that have no command of patience to put up with things unpalatable need not be here. With this observation I must on this occasion express my feelings against any personal misapprehension that might have arisen about my speech yesterday. As to this salt tax, my Honourable friend over there, Mr. Acharya is perhaps under the impression that we agree to a one-rupee salt tax. Far from it. We are making simply the best of a bad case. For, if this clause goes out of this part of the statute altogether it does not help us. With these words I take my seat.

Mr. W. A. Cosgrave (Assam: Nominated Official): I move that the question be now put.

Mr. President: The question is that the question be now put.

(On Mr. Ram Narayan Singh challenging it, the division bell was rung.)

(After the division bell had rung.)

Mr. President: The question is that the question be now put. As many as are of that opinion will say "Aye". (*Cries of "Aye".*) Those of the contrary opinion will say "No". (*Mr. Ram Narayan Singh: "No."*) I think the "Ayes" have it. (*Mr. Ram Narayan Singh did not challenge it.*) The "Ayes" have it.

The Honourable Member (Mr. Ram Narayan Singh) is guilty of wasting two minutes of public time.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): No, Sir.

Mr. President: The Honourable Member knows that he is wrong. If he was really serious in asking for a division he should have said, "Noes have it".

The question is that clause 2, as amended, stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Mr. President: The question is that clause 5 stand part of the Bill.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): I move:

"To sub-clause (3) of clause 5 of the Bill the following proviso be added:

'Provided that in the case of the Hindu undivided family each member of such family shall be assessed separately and his total income shall be deemed to be an income to which such member would have been entitled if such member were not joint'."

Now, as the clauses of this Bill stand, so far as individuals are concerned, the law does not make any difference between a Hindu, Moslem, Christian, or other persons belonging to the other faiths. But when it comes to a collection of individuals, though the law does not make any difference in the case of persons belonging to faiths other than Hinduism, yet in the case of Hindus, there is a differentiation, and it is to wipe away that distinction that I am moving this amendment. If two members of a Hindu undivided family were to be taxed in their capacity of being members of a Hindu undivided family, the minimum

(Maulvi Muhammad Yakub, the Deputy President, was seen crossing the floor of the House between the speaker and the Chair.)

Mr. President: The Honourable the Deputy President ought to know the rules of the House.

Pandit Thakur Das Bhargava: The minimum taxable income would be Rs. 1,000 instead of Rs. 2,000.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

If the family consisted of five members

The Honourable Sir Brojendra Mitter: I rise to a point of order. I submit that this amendment is out of order. It is outside the scope of the Bill. As you will see from the Preamble, it is a Bill "to fix rates of income-tax". So, the scope of the Bill does not go beyond the rates of income-tax, whereas this amendment deals with the question as to who the assessee should be. This amendment is properly an amendment to the Indian Income-tax Act and not to the Finance Bill. It is outside the scope of the Bill and is out of order.

Pandit Thakur Das Bhargava: In reply to this objection I would invite your attention to a similar objection which was taken by Sir Basil Blackett last year in reference to an amendment moved by Sir Victor Sassoon. The question then was whether an amendment of a nature which would, to a certain extent, be an amendment to some provisions of the Indian Income-tax Act—in that case it was section 55—was in order. The amendment then sought to be made referred to the case of a company and the question was whether the word "company" could be added to the word "firm". And this very objection, which has now been taken was taken at that time and the President then made the following observation:

"The question raised by the Honourable the Leader of the House is a very important and a very difficult one too. According to the strict interpretation of the Preamble to the Bill, which we are now considering, perhaps I would be inclined to agree with him that the amendment is out of order but I am disposed to put a wider construction on the scope of the annual Finance Bill as distinguished from ordinary

Bills. Further, if the Assembly has under the Finance Bill power to fix rates of income-tax, it has equally, I believe the power to say which incomes shall be exempted from that tax. I therefore rule that in this particular case the amendment is in order."

Now, Sir, we have got this precedent but even if there was no precedent like this, I maintain that the amendment which I move is strictly in order. This Bill, as the Honourable the Law Member has been pleased to point out, deals with fixing of rates. Now, I maintain that, whatever is included in Schedule II is the material on the basis of which the rates are fixed. Now, it is clear that the minimum taxable income at present is 2,000 and the rate is 5 pies in the rupee, and if that is amended by an amendment that the amount of minimum taxable income be reduced or increased then the amount of Rs. 2,000 will be affected. Last year also an amendment was moved in this House by my friend Mr. Mukhtar Singh to the effect that this item of 2,000 be converted into 3,000, then again 4,000 and 5,000 and the amendment was taken to be quite in order and the amendment was discussed. The conclusion is that the question as to what is the minimum taxable income is a question relating to the fixation of rates. Further I would take liberty to point out that when, in this Bill, we find clause 5 (3), and that clause has to be passed annually, it stands to reason that anything pertaining to that clause should be regarded as in order. Now, I maintain that if this clause is not passed, then some thing would be lacking by which the provisions of the Income-tax Act could be enforced. If the Government wants that this sub-clause shall be passed, there is no sense in saying that this clause cannot be amended. Therefore I would submit that this objection is untenable. Furthermore if this sub-clause (3) of clause 5 is sought to be passed, I am entitled to oppose the whole clause especially sub-clause (3). For all these reasons I would submit that the objection should be overruled.

Mr. M. S. Aney (Berar Representative): The question raised by the Honourable the Law Member appears a somewhat difficult one, no doubt, but the point is really a simple one—namely whether the Finance Bill is a complete Bill by itself or not, or is it to be taken as a supplementary Bill. If it is to be taken as a supplementary Bill to some other Act, then the question of consistency or inconsistency of any provision of this Bill with the other Acts can be taken into consideration; but if it is to be a complete Bill in itself, then no such objection can arise. The one criterion, in my opinion, for regarding it as a separate and complete Bill is this—that the very words which are to be used in this Act are defined, and as the definition of the words "total income" is given here, this House has the right, either to accept that definition, or to reject that definition, or to amend that definition. If this right of the House is recognised, there is no propriety in putting in in sub-clause (3) the definition of the words "total income". All that my friend is seeking to do is to modify the definition which is given there by introducing this provision. So, if the point of order raised by the Honourable Law Member is to be accepted, the right of this House to deal with the Finance Bill in its entirety is virtually curtailed; and if that is the result, then it is not consistent with the convention under which the Finance Bill is introduced. This House is given a complete right and is seized of every provision which is mentioned here. That provision may be accepted, rejected or modified. In fact the very amendment which my Honourable friend, Mr. Duraiswamy Aiyangar, had moved virtually, did modify section 7 of the Salt Act itself. The decision on the point of order was that the right of this House to modify the particular

[Mr. M. S. Aney.]

provisions of the Bill before the House was tacitly recognised, and therefore it will be against the established usage, practice and precedent which have been laid down during the last three years in this House if this objection prevails. For these reasons I say that the point of order is not tenable.

The Honourable Sir Brojendra Mitter: My submission is this—that the whole point is, who the assessee is. The Income-tax Act says that, in the case of a Hindu joint family, the collection of individuals who constitute that family should collectively be assessed. That is the provision of the Income-tax Act and the total income is the total income of that joint family, but the amendment which is proposed is that the assessee should be an individual, as if he were a separated member of the family. That is the purport of the amendment. Therefore it goes to the root of the principle as to who is to be the assessee in the case of a Hindu joint family under the Income Tax Act. The scope of the Bill is to fix the rates of income-tax; it has got nothing to do with the principle upon which the assessee is to be determined. Therefore my submission is that this is outside the scope of the Bill and should be ruled out of order.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I take it that the Honourable the Law Member's position is that, in so far as the principles of the levy of income-tax are concerned, they are contained in the general permanent Income-tax Act and that the annual Finance Bill only deals with the rates of income tax. Sir, if that is so, it could not have been possible for the Finance Member, in previous years, to introduce clauses in the Finance Bill which comprise others than those previously contained in the Income-tax Act. We recollect, Sir, that in regard to the levy of super-tax . . .

The Honourable Sir Brojendra Mitter: If I may interrupt my Honourable friend, I was not talking of the annual Finance Bill. I was talking of the particular Bill which is before this House now. I say the scope of this particular Bill is to fix the rate and not to deal with assessees.

Mr. A. Rangaswami Iyengar: The scope of the particular clause of the Bill is that it forms part of the annual provision of finance for the carrying on of the Government, for which my friend the Honourable the Finance Member pleaded. Sir, in so far as those provisions are necessary, this House has a perfect right to say "You shall have only this amount of money and not the other amount of money. You shall have not the money of an entire joint undivided family but only of one member thereof." Certainly that is a point of finance pure and simple and not a question of law. As Mr. Aney very clearly pointed out, unless this House is given the privilege of being able to deal with the actual financial proposals of the Bill, in the manner in which it considers proper, I say that Government can as well adopt the certificate procedure and bring in the Bill with the recommendation of the Governor General in Council and say, "This is the form in which we want the House to enact the financial provisions of the country." That clause is provided for in the unfortunate circumstances of this country, and it is perfectly open to the Law Member to advise the Governor General. But they have not done so. They have brought certain financial proposals in the Bill and, as the Honourable Finance Member pointed out on the other amendments, in the absence of any alternative suggestions from the other side of the House in regard to the reduction of the salt tax, he found

himself unable to accept it, I take it that he found it proper for us to suggest alternative methods in dealing with the finances of the country.

The Honourable Sir George Schuster: I did not say, in the absence of suggestions from the other side. I do not expect to get suggestions from the other side. I said in the absence of any idea on my own side of any alternative tax, I saw no other way of getting the money except by the imposition of the salt tax, as hitherto imposed.

Mr. A. Rangaswami Iyengar: I accept the correction, but the point is still the same, that if the Finance Member saw any other alternative to the proposal, if he did not see any other alternative for dealing with the finances of this country, he would have been quite happy to adopt that and give us the amendment we wanted, namely a reduction of the salt duty; therefore, in so far as we have the power to refashion the budget, to refashion the financial provisions—if we have this power, I say that the argument of the Law Member is untenable.

The Honourable Sir George Schuster: I beg to submit that the argument by Mr. Rangaswami Iyengar has really no substance. He cannot use what I said in connection with the salt tax as supporting his point of view.

There is one point which I would like to put to you, Sir. I don't think it is our desire, on this side of the House, to take advantage of a purely technical objection, (Hear, hear), to prevent Honourable Members on the opposite side from raising a discussion which ought to be raised; but in connection with an amendment of this kind I really think that it is not in the public interest that the discussion of intricate principles of taxation should take place in connection with the Finance Bill. These questions require very careful departmental examination, and in connection with the Finance Bill it is quite impossible to introduce the sort of procedure which is possible in connection with an ordinary Bill to alter the system of taxation, such as, to have a Select Committee to consider proposals, or to circulate proposals for the purpose of getting public opinion. I do submit that, in cases of this kind, it is very desirable that that sort of procedure should be available, before this House is asked to make a decision on an intricate question of this kind. I therefore think that we, on this side, are raising this point, not merely as a point of order, but as a point of substance, a point which we consider in the public interest.

Mr. Deputy President: A similar amendment was moved last year by the Honourable Sir Victor Sassoon when the Finance Bill was under discussion, and a similar point of order was raised on that amendment by the then Finance Member of the Government of India. On that occasion the Honourable the President said:

"According to the strict interpretation of the Preamble to the Bill which we are now considering, perhaps I would be inclined to agree with him that the amendment is out of order, but I am disposed to put a wider construction on the scope of the annual Finance Bill as distinguished from ordinary Bills. Further, if the Assembly has under the Finance Bill power to fix rates of income-tax, it has equally I believe the power to say which incomes shall be exempted from that tax. I therefore rule that in this particular case the amendment is in order."

In the same way I think the amendment which was proposed by Mr. Bhargava will affect the rate of the tax also, and therefore I think that the amendment is in order.

Pandit Thakur Das Bhargava: Sir, I thank you for the ruling which you have been pleased to give. In fact if this ruling was not given, you would have deprived a very large part of the population of this country from ventilating and setting correct a grievance which is a very real grievance.

I, some time back, sent in a Bill to amend the Income-tax Act on these very lines on which I am proposing this amendment, but the Governor General in Council was not pleased to accord his sanction to that Bill.

Now I do not think it lies in the mouth of the Honourable the Finance Member that there should have been a Select Committee on this Bill, or the Bill should have been considered as apart from the amendment. I tried to do it, but Government would not listen to it, and it is in the appropriateness of things that this amendment should have been allowed to have been moved.

Now, Sir, I was submitting before you that whereas in the case of individuals, the taxation law does not make any difference between members of different sects, when it comes to a collection of individuals, the members of other faiths are dealt with more favourably than members of the Hindu religion. In fact this amendment is not at all a communal one. I only want that the same treatment should be accorded to Hindus as is accorded to Mussalmans, Christians, Parsis and others. I do not want any special privilege, any special concession, but if my claim is correct I would only beg of the whole House, Hindus, Mussalmans, Europeans and all, to consider whether the claim is well-founded in justice or not. If it is so founded, I would respectfully ask them to record their vote in favour of poor families of Hindus. I say that it is invidious that the law makes a distinction between the poor and the rich Hindus in a matter of this sort. Now a perusal of section 14 of the Income-tax Act would show that, if a Hindu who is a member of a Hindu joint family also enjoys a separate income, in that case for the purpose of rate, the income of the joint family is not added to the separate income, and the rate at which the assessee is assessed, is therefore less than the rate at which a man of a faith different from the Hindu is assessed.

To illustrate my point, I would ask you kindly to consider the case in which a Hindu family enjoys an income of Rs. 2,100, whereas one of the members of that family enjoys a separate income of, say Rs. 4,900. The Income-tax Officer would assess one member at the rate of five pies in the rupee because in assessing the family, he will take Rs. 2,100 as the income of the family. The other member will be assessed only at Rs. 4,900. The income which accrues to him in his capacity as a member of the joint undivided family, will not be taken into account, and whereas a Muhammadan or Christian would have been taxed at six pies in the rupee if he were similarly circumstanced, a rich Hindu would be taxed at the rate of five pies in the rupee. This is the compensatory advantage which section 14 of the Income-tax Act gives him. I am surrendering that advantage. I do not want that advantage, I do not want that rich Hindus should be protected at the expense of the Exchequer or at the expense of the poorer Hindu families. Now, Sir, if you consider the case of a Hindu undivided family with ten members, and this is not an uncommon illustration, then you will find that persons earning Rs. 15 a month, or eight annas a day, will be subject to income-tax, whereas any Muhammadan or a Christian earning less than Rs. 150 a month will not be liable to income-tax, that is the anomaly which I wish to remove. If

the concession given in section 14 is logically pursued, then we come to the conclusion that the poorer families among Hindus are penalised at the expense of the richer families among Hindus, and the greater the number of the members of the Hindu family, the heavier the incidence of taxation—which is absolutely unjust. Moreover, Sir, so far as this compensation theory is concerned, I would like to know from the Government how a Hindu wage-earner getting Rs. 60 a month in the Punjab, with two or three sons getting about Rs. 40 a month, will feel the solace accruing from the provisions of section 14, if a rich man getting Rs. 400 a month in Madras gets the benefit of section 14. The whole Hindu community has not been regarded as a unit and I do not know how a Brahman family, living in Northern India, can be compensated by some sort of concession which may be enjoyed by another Hindu family living in Southern India. When you see the actual practice, then as I proceed further, I will submit before you that this theory of compensation is absolutely illusory and has no foundation in fact; but taking things as they are, it is tantamount to the practice of robbing Peter to pay Paul. You rob the poorer families of Hindus, and then distribute some of the benefits among the richer people. This is tantamount to that. It should be no longer said that, in India, the minimum taxable income is Rs. 2,000. But virtually the minimum taxable income is so graduated that the poorer the family becomes, the greater becomes the incidence of taxation. I will therefore submit that the justice of the case is too apparent, and need not be pressed too much. Now, Sir, there is a distinction between the ordinary tax and the super-tax, and we know that, whereas in the case of an individual, the amount in excess of Rs. 50,000 becomes liable to super-tax in the case of an undivided Hindu family, the amount is Rs. 75,000. Now, Sir, it looks as if the Hindu undivided family has been treated with some favour. But it is absolutely clear that there can be no family unless there are at least two members, and if there is only one member, he will be regarded as an individual. If there is more than one member, then it is regarded as a family. Taken thus, even if the number of members is the lowest, that is two, the income of Rs. 75,000 divided by two, comes to Rs. 37,500, so that it is clear that, in the case of Hindus, the mere fact that a person is Hindu, makes him liable to a super-tax when he has got any income above Rs. 37,500 if the family consists of only two members. But if the family be taken to consist of more than two, which is usually the case, say five or ten, then the House will realise that the taxable income which will be liable to super-tax, will not be even such as would be liable to an enhanced income-tax at the rate of six or seven pies; so that, in case of Hindu, the super-tax, is just like an income-tax to other people.

Now, Sir, it will be said, in reply, that a Hindu undivided family is a corporation and stands on an entirely different footing from an individual or from a joint family of members of other faiths. May I humbly inquire as to what is the difference between a joint family of Mussalmans or a Hindu undivided family, or a joint family of Christians? The only difference that I know of is that, in the case of the Hindu undivided family, the rule of survivorship obtains, and there is no other difference. It is not true to say that the Hindu joint family is a profit-making concern. It would be futile to maintain that every Hindu family is a trading family. Among the Hindus, if you look at the population figures, you will find that Brahmins form the largest community, and second to Brahmins the

[Pandit Thakur Das Bhargava.]

Chamars are the next community. Now, may I humbly inquire if Brahmins and Chamars have trading concerns or if their families can be called trading families? The Jats and the Rajputs, as is well known, do not take to trade. If the Mahajans and the Agarwals, take to trade, will I be wrong in submitting that among Christians, Muhammadans and Parsis, there are trading families? The Cutchi Memons, the Khojas and the Parsi community, speaking generally, are trading communities. Therefore, the only principle that distinguishes between a joint family of Muhammadans and Christians, on the one side, and a Hindu undivided family on the other is the rule of survivorship. But now what has survivorship to do with taxation? What is the earthly connection between survivorship, a rule of inheritance, and taxation? It has as much to do as the Muhammadan rule of inheritance has to do with taxation. Now, Sir, from what I have submitted before, it follows that the income of a Hindu undivided family is as much the result of an individual effort subsequently collected together as it is in the case of those who are not Hindus. It is not the result of joint labours in either case. There is absolutely no connection and no similarity between the case of a Hindu undivided family and a trading firm or a corporation, or a registered or an unregistered company. If that is so, the question arises what is the basis which justifies the treatment of a Hindu undivided family as a basis or as a unit for taxation.

Now, Sir, I regard the Hindu joint family as a unit of social existence and not a unit of economic existence; and therefore, on this ground alone, this taxation in this form is unjustifiable. But if the House considers what actually happens in practice, then the House will see all the more reason why my amendment should be accepted. According to the provisions of the Hindu Law, there is an initial presumption that every Hindu family is a joint family. But, Sir, a Hindu family of that nature which we find in the books on Hindu Law is not to be found in actual practice. When I speak of the Punjab, Sindh and some other parts of India, I speak with intimate knowledge, and I can affirm that, according to the conception of the Hindu Law of Mitakshara, there is no family in the Punjab which can answer that description, and in this statement, I am fortified by certain rulings of the Lahore High Court. I shall only refer to one or two rulings, just to fortify my view. In 1899, in the case 102, P. R., 1889, it was held that this kind of joint family does not exist in the Punjab. It was further confirmed in a ruling reported in 34, Punjab, 1919. Similar are the conditions in Sindh. Now, what happens in a joint family? In a joint family, death has no significance, but a partition, has significance. In the Punjab, whenever a person dies all at once, the mutation is attested and mutation fee is recovered. So, that is the occasion when real inheritance comes in. Then again, the theory of representation makes it absolutely clear that, as soon as a person dies, his heirs succeed him. I do not know about the conditions obtaining in other parts of India; but so far as those parts of India are concerned which are governed by the *Dayabagha*, the theory of the undivided Hindu family does not apply. According to the conception of the *Dayabhaga* school of law, every person's share in a joint family is definite and ascertained, and, before a family property is partitioned, it cannot be predicted what share a person is entitled to. Therefore, looking to the actual state of the family, I think I am quite correct in saying that that kind of family technically known in the books, does not exist. Sir, this difficulty is more imaginary

than real. When it suits the Government, they will treat the undivided Hindu family as a separate family. I will just read out a passage from the Taxation Inquiry Committee's Report, which shows that for the purpose of taxation, the Government themselves treated a Hindu undivided family as a separate family. At page 275, in paragraph 374 of their Report, they say:

"It is sometimes urged that inheritance taxation ought not to apply to the property of a Mitakshara joint family on the ground that, on the death of a coparcener belonging to such a family, there is no mutation or acquisition, which gives occasion for the levy of a duty. But it cannot be denied that a member of a Mitakshara joint family possesses a beneficial interest in the properties of the family during his life-time, which he can sell or mortgage, and in some provinces even dispose of by gift, and of which he can get a partition during his life-time by suit, or effect severance by a mere unequivocal declaration communicated to the other members of intention to hold separately. This interest clearly passes, on the death of the member, and is therefore a proper subject for a tax in the nature of a mutation duty. In the similar case in England, where property or an interest in property passes by survivorship, it is valued for purposes both of estate duty and succession duty. Again, in the Bill to amend the Court Fees Act now before the Central Legislature, it is expressly provided that, if any member of a joint Hindu family governed by the Mitakshara law applies for probate or letters of administration in respect of the estate of a deceased member of the joint family, such estate shall not be deemed to be property held in trust, and the applicant shall pay a fee on the value of the share in the joint family property which the deceased would have received if a partition of the property had been made immediately before his death. In the opinion of the Committee, this provision is based on the correct principle that there is no objection to subjecting to duty property or an interest in property passing by survivorship on the death of a coparcener in just the same way as property or an interest in property passing by inheritance is so subjected."

Thus, Sir, it is absolutely clear that the Government, when they brought in this Bill, accepted, for the purposes of taxation, that a member of a Hindu undivided family can be regarded for the purposes of taxation as separate, that is, without a partition having taken place. And you may remember, Sir, the latest pronouncement of the Privy Council is that a member of a Hindu undivided family has the key of the separation in his own hands, and he has only to manifest his intention unequivocally, and the separation is thereby effected *ipso facto*. You will realise, Sir, that any member of a Hindu undivided family can any day snap his fingers at an Income-tax Officer. He can maintain and he can give notice to the other members, and he can certainly prove that he has unequivocally expressed his intention to become separate. This is so far as the law is concerned; but in practice, Sir, whenever a Hindu appears before an Income-tax Officer, the threat generally comes to the effect that everything that he has got should be subjected to income-tax. According to the other provisions of Hindu law, if there is a nucleus of joint ancestral property, if a member says he has got separate property, he has got to prove that that property is separate, and the burden of proving it falls on him. So, really the Income-tax Officer has got a member of the Hindu joint family in the hollow of his hand. We all know how difficult it is for anybody to discharge that burden of proof. It is clear that, legally speaking, there is no bar to recognising an undivided member of a Hindu joint family as separate from the family for purposes of taxation.

Now, Sir, if you just inquire into the question as to how this income-tax affects the Hindu families, you will agree with me in concluding that there is no factor which has been so potent in disintegrating the joint family system as this Income-tax Act. I am not one of those who are enamoured of Hindu joint families, and the sooner it is disintegrated

[Pandit Thakur Das Bhargava.]

the better for all of us from a certain standpoint. (*An Honourable Member*: "Question.") But there are a good many people—and I am glad that one of my Honourable friends here has questioned it—who regard this institution of a Hindu joint family as a sacred institution. I shall, in this connection, refer to the speech of my Honourable friend, Munshi Iswar Saran, which appears at page 340 of the proceedings of this House, of the year 1928, where he has graphically paid whole-hearted allegiance to the Hindu joint family system, when he says:

"What is the good of saying that the joint family must go? The joint family has its defects, but the joint family has also those attributes which are peculiarly its own. May I put forward this view because a great deal has been said about it and more particularly because a certain class of Anglo-Indian writers delight in condemning our systems without understanding them. What is the joint family? It is based, Sir, on sacrifice, the noblest quality that any individual or nation can think of. There are two brothers, one is poor and the other is rich. The rich brother voluntarily says, 'We shall share our earnings; we shall put our earnings together and as far as monetary matters are concerned there will be no distinction between you and me'."

There are other people, Sir, who agree in the view that I take, but whereas I wish that the Hindu joint family may disintegrate as soon as possible by the slow process of evolution, I for one am very much against the idea that a fiscal measure should disturb the Hindu joint family system in the way in which it does. Now, Sir, to this aspect of the question the Honourable the Deputy Leader of my Party, Mr. Jayakar, drew the attention of the House on another occasion, and the words are so graphic and so illustrative of the principle, that I wish to bring out before the House, that I will, with your permission, read a portion of them. The Bill referred to in the speech was the Hindu Family Transactions Bill, and the effect of that Bill was similar to the effect of this Income-tax Act on the Hindu joint family. He then said:

"This Bill, and I will state frankly my main objection, will interfere very seriously with that silent and imperceptible process of social evolution causing a gradual disintegration of joint families which is going on in Hindu society. I want nothing to be done which will arrest that process because that process in my opinion means progress towards individualism. In my opinion, although it may seem to some a heresey, self-government in our social life should come through individualism and for this purpose the process of disintegration of Hindu joint family life; with all its defects of dependence and self-suppression; must begin and go on as fast as possible."

Further on he has illustrated his point by referring to the example of a joint Hindu family, in which one brother was a rich man, a barrister in Bombay, and the other was a poor man. Without reading further from the speech, as I know Honourable Members must have read the speech themselves

An Honourable Member: What are you reading from?

Pandit Thakur Das Bhargava: I am reading from the Legislative Assembly Debates of 1928. It is the speech of the Honourable Mr. Jayakar, who should be regarded as an authority in these matters. Then further on the Honourable Mr. Jayakar proceeded to say that the man in Bombay who earns Rs. 20,000 a month:

"cannot resort to the slow and peaceful process of partition, but must violently, and at once, disrupt the family, send for his lawyer and say: 'hereby declare that I am from this day separate from my family', creating thereby bitterness, hostility and

grief in his family. Now I would like to ask my English friends on the official and non-official benches: 'Do you wish to come in the way of this social evolution which is going on in the Hindu family? And, if so, in the name of what?'"

(At this stage Mr. President resumed the Chair.)

Now, Sir, I beg to ask the very same question, whether it is wise to interfere with that slow process of evolution in the Hindu joint family by a fiscal measure of the nature of this Income-tax Act. In fact, these provisions of the Income-tax Act have no foundation in reason or justice. They are in the nature of a social monster and they really do more mischief in some cases than we can think of. It happens that a family, which has got no disputes, has to resort to litigation as soon as an Income-tax Officer causes a member of that family to declare whether a particular property is his self-acquired property or otherwise and all those small things of which nobody would take any notice in a joint Hindu family then converge at one point and become a prolific source of litigation. This is one of the evil effects of these provisions of the Income-tax Act relating to the undivided Hindu family.

Now, Sir, I have submitted before you the various stand-points and the many objections which could be urged against this amendment. Last time, when a similar motion was moved in this House, the objection taken by the then Finance Member was that the provision had been on the Statute-book since 1922, and that, if the minimum taxable income were to be increased to Rs. 3,000 from Rs. 2,000, it might involve the loss of a small sum like 20 or 25 lakhs. In fact, the then Finance Member tried to make out that there would be no deficiency in revenue, and that the Hindus were in a better position than other people. If that is so, if it is not likely to result in loss of revenue, my humble submission is that no such difficulty of loss to revenue arises. But should it result in loss of revenue, that loss of revenue is the exact amount by which you set a premium on separation, the exact amount by which the poorer Hindu families are losers. I therefore humbly submit to the House and to the various Parties and Members of this House kindly to consider this question in a spirit of justice. As I have already said, it is not a communal question at all. It is a question of taxing those whom it is the policy of law not to tax. If the minimum taxable income is fixed at Rs. 2,000, let it be so in the case of the members of Hindu joint families also. I would therefore submit with all the emphasis at my command to all Members of this House, to consider this question justly and fairly. Sir, I move.

Mr. M. R. Jayakar (Bombay City Non-Muhammadian Urban): Sir, it is very unfortunate that this important amendment comes before this House at an hour when the general desire is to go home and have tea, and also when the Government Benches are mostly depleted. Notwithstanding that, Sir, I have risen because I think it is a very important amendment—especially from the point of view of the Hindu community. The point of this amendment, notwithstanding the very interesting complexities which have been introduced by the Mover of the amendment into his speech, is a very simple one, and I have no doubt that the Honourable the Finance Member, with the clearness and sympathy with which he views these problems, will not have much difficulty in understanding the equity which lies behind this amendment. I am aware, Sir, that the rule has stood from the year 1922, that Hindu joint families, for the purpose of the income-tax, are to be regarded as one unit; but I do submit,

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Sir, for the consideration of this House, that that is a great injustice perpetrated on the Hindu community and which—as I shall explain in a very short speech; for I do not propose to detain the House for very long—does require reconsideration. Now that the Deputy President has allowed this point to be raised by way of an amendment of the Finance Act I do submit that my Honourable friends will give adequate consideration to this question. The point, Sir, is a very simple one and I shall illustrate it by taking a concrete case. Supposing a Hindu joint family consists of five brothers, each of whom earns about Rs. 600 a year. One is living in Bombay another in Alibag; a third in the Punjab; the fourth in Mysore and the fifth is in Calcutta. I can imagine many Hindu joint families in which such a state of things exists. If each of them were to be taxed separately, as a Muhammadan, a Parsi or a Christian would be taxed under the Income-tax Act, in respect of his own personal income, apart from what his brother or cousin earns elsewhere, then each of these five brothers would not be liable to be assessed to income-tax at all, because as my Honourable friends are aware, Rs. 600 is within the limit exempted under the Income-tax Act. But what the present anomaly in the Income-tax Act does is that it lumps the Rs. 600 of each of these five brothers—an absolutely arbitrary arrangement—and assesses income-tax on the Rs. 3,000, although individually the earners of this Rs. 600 a year are not liable to pay income-tax. That is the anomaly, Sir. And the further anomaly is this: that if a similar state of things were to exist among other communities as it often does exist, especially amongst Parsis and Muhammadans, who very often adopt Hindu ways of social living, they are not liable to be taxed according to this anomalous rule. They are only taxed in respect of the Rs. 600 which they earn individually, and thus they escape the income-tax. But the Hindu, if I may say so without undue emphasis, has to pay the income-tax because of his social gregariousness. Sir, the joint Hindu family is nothing more than a social habit of living; there is no sacrosanct character about it; as the Honourable the Mover of this amendment has said, it is merely a method of social aggregation and nothing more. It is in consequence of this social habit that the Hindu joint family is taxed on income which individually would not be taxable. That is the anomaly and inequity of this rule. It may be argued that there is no inequality or anomaly at all because, in the case of firms a similar rule applies. Take for instance a case where each individual member of a firm earns Rs. 600 and the firm is taxed in its corporate capacity. Such a case would necessarily be adduced as an instance in justification of this anomaly. The answer to that would be that a joint Hindu family is absolutely different from a firm, because the firm, by mutual exertion, increases its aggregate income: two members of a firm working together increase their joint income; a joint family is not an income-increasing combination. If two people work together as partners in a trading firm, they mutually contribute to increase each other's earnings. It is a process of joint exertion by reason of which the combined income goes up. Not so with the Hindu joint family. I can imagine hundreds of cases where, for instance, to take a specific case to illustrate my meaning, a man is a barrister in Bombay; his brother is an astrologer in the Konkan and a third is a doctor in Mysore. They never meet perhaps more than once a year; they do not contribute to increase each other's income; in fact their professions are different, but they have some nexus in the shape of a joint ancestral-house in the Konkan, which is the only tie by reason of which

they can be regarded as a joint Hindu family. They do not affect each other's income by mutual exertion. What justification is there that, in such a case, the law should take hold of this little *vinculum juris*, if I may use that expression, and make the individuals liable to pay a tax from which they are individually exempted. Sir, even the law does not regard the Hindu joint family as a unit uniformly and with consistency. There are several departments of law in which it regards the Hindu joint family as consisting of separate individuals and not as one unit. I shall illustrate my point and the Honourable the Law Member will, I am sure, agree that I am right in my view. Supposing a member of a Hindu joint family dies, leaving Rs. 50,000 deposited in a Bank or by way of shares in a limited liability company. They are joint family property and therefore, on the true conception of the Hindu joint family law, they belong to all the coparceners jointly. So the property of one brother is equally the property of another brother; yet curiously enough the law now requires that, if those Rs. 50,000 stand in the Bank in the name of a particular brother, say "A" the other brother "B" has to take out probate or letters of administration, as the case may be, and pay duty to the State on the Rs. 50,000, before they can be transferred to him or become his property. Such is the present-day law. No bank will allow that money to be paid into the hands of brother "B," unless he gets letters of administration, or succession certificate, or probate as the case may be. Now this is an instance curiously enough where the law departs from this theory that a Hindu joint family is one unit. If it were one unit, then the Rs. 50,000 belong as much to brother "B" as to brother "A"; and therefore no legal representation is necessary, and yet in such cases the law requires duty to be paid on the Rs. 50,000, as if it was the self-acquired or separate property of the dying brother. Therefore the point I am putting before the House is this: that this is a most anomalous position and has to be cured. There is no reason why this anomaly should exist now when Hindu joint families are—and I am sure the Honourable the Law Member will agree—fast disintegrating. Perhaps in one instance out of a hundred we may find a joint Hindu family existing in the old sense of the Rishis and text-writers, where the brothers work together as one social unit on a joint concern and contribute to increase the family income. That kind of joint family—if I may say so without exaggeration—does not possibly exist, except perhaps in very rare cases. The present day joint family, to all intents and purposes, is merely a nominal tie, for all economic and financial purposes it is a group of individual units, who are responsible only for their own exertion and who make no contribution mutually to supplement each other's income. Therefore, dealing with that state of social life, as the Hindus are living at the present moment, I do submit that the case is very strong for accepting this amendment. I am entirely with the Finance Member in so far as he expressed his sense of expediency that an amendment on these lines of the provisions of the Income-tax Act, will be a more direct way of securing this object. But that is a point of order which the Deputy President, Sir, during your absence has overruled and has allowed us to raise this question on the Finance Bill. Therefore, Sir, we are now permitted to go into that question. Besides, I understand, a Bill amending the Income-tax Act in this particular which the Mover of this amendment had tabled has been disallowed by the Governor General. So the case is very strong, than the standpoint of Hindus; and I have no doubt that my Honourable friends on the European and Muhammadan Benches will take a sympathetic view of this question. What we want is that, having regard

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to the present-day life and social habits of the Hindu people, this anomaly should not continue. It does not exist in all departments of the Indian law, as I have pointed out, by citing one instance. I can point out three or four other instances, but I do not wish to take up the time of this House. The theory is not uniformly and consistently accepted by the State, that the Hindu joint family is one indivisible social unit. Times were different when the joint Hindu family was regarded as a corporation sole; that was years ago. A good deal of social disintegration has taken place in Hindu social life since those days, and he must be a very bold man indeed who will say now that a large number of Hindu joint families are living that kind of inseparable, indivisible, united and joint life which was at one time led by Hindus in general.

The last point, therefore, Sir, which I wish to urge before this Honourable House is this. I myself hold the view very strongly, Sir,—there may be some Honourable Members who may not agree with me—but I as a Hindu, with a certain outlook on Hindu social life and its reform in the future, hold the view very strongly that the law should do nothing to impede the process of social disintegration towards individualism. As a Hindu, I do recognise that there are, in our social life a great many limitations which do not produce the right type of assertive individualism on which we are building our superstructure, and I do submit to my Honourable friends who are not Hindus that this is not a parochial question, nor a party question, not even a communal question, but it is a question concerned with the well-being of the Hindu community. Therefore, I do submit that Government should not make this a party question in the narrow sense of the term. Sir, I am pleading from the point of view of the large Hindu community, as an humble member of that community, who does wish that the natural process of social disintegration, which is slowly, silently, imperceptibly, and harmoniously going on inside the Hindu families, should not be hampered by legislation.

The Honourable Sir Brojendra Mitter: Sir, I have listened carefully to my Honourable friend Mr. Jayakar's speech. I am sorry I was not here just at the start, but I do not think I have missed the point which he has made. The point which I understood him to make is this. He said here is an opportunity to effect a social reform by accelerating or helping the disintegration . . .

Mr. M. R. Jayakar: May I correct my Honourable friend, Sir? I put it on the ground of inequality and hardship.

The Honourable Sir Brojendra Mitter: Sir, as is well known to Honourable Members of this House, in Bengal the individual is the unit of Hindu society, whereas in the rest of India the joint family is the unit for the purpose of worship, for the purpose of inheritance and for various other purposes. In Bengal the individual is the unit; in the rest of India the family is the unit. The proposed amendment seeks to make the individual the unit all over India for the purpose of income-tax. That is the purpose of the amendment. Sir, it is a very large change, which is sought to be introduced into Hindu society. (Some Honourable Member from the Swarajist Benches: "No, no".)

Mr. M. R. Jayakar: For the purpose of taxation only.

The Honourable Sir Brojendra Mitter: I know it is for the purpose of taxation only, but it is a very large change, and when we are seeking to effect this large change, I ask, has the Hindu community been consulted? I know that there are several Honourable Members in this House who are anxious to effect reforms in Hindu society, and I fully sympathise with them in their efforts. But what I submit is, this is not the proper procedure, this is not the proper way in which reforms ought to be effected. By an amendment of the Finance Act you are seeking to introduce revolutionary change in Hindu society by converting . . .

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadan Rural): Government has done it.

The Honourable Sir Brojendra Mitter: There are so many interruptions, and I do not know, whom to answer. You are seeking to effect a revolutionary change in Hindu society by an amendment of the Finance Act. (Several Honourable Members: "No, no.") When the Finance Act was before the country, nobody thought that any social structure was going to be affected by it. All that the attention of the country was directed to was the rate at which income-tax was to be levied, was it going to be raised or lowered, or was it to remain the same as before? That is the point to which the attention of the country was directed. It was not directed to the totally different question with which, incidentally, I may say, I have every sympathy. If a proper measure were brought in by my friend, Mr. Jayakar, probably I should vote with him . .

Mr. M. R. Jayakar: I do not think so.

Mr. President: Perhaps the Honourable the Mover will withdraw his amendment if the Government promise to bring forward a measure of that kind?

The Honourable Sir Brojendra Mitter: I did not say that; I said that if Mr. Jayakar were to bring in a Bill of that description, personally speaking, I would be in full sympathy with such a measure. All I am saying at the moment is that the House ought not to effect a revolutionary change in Hindu society by way of amending the Finance Act.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Mr. President, I wish to associate myself with what my friend, Mr. Jayakar has said on this question. I should however like to point out that the present practice causes a considerable amount of heart-burning, and unnecessary litigation amongst members of the Hindu joint family, and section 14 of the Income-tax Act causes an endless trouble, because it says that the tax shall not be payable by an assessee in respect of any sum which he receives as a member of an undivided family. The managing member may or may not pay, but all the same, I think when there is separate assessment also in respect of separate property, individual members do not escape income-tax as they ought to escape income-tax except when the tax is shown to be properly levied. What happens is this? If a man has got any income from the joint family income, if he belongs to a well-to-do family, he has got to pay tax twice over. That is what generally happens. It is impossible in the case of many of these families

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to keep correct accounts, and the practice which my friend Mr. Thakur Das Bhargava wants to introduce, I think, will have a very wholesome effect of compelling members of Hindu joint families to keep proper and regular accounts; it will also compel various coparceners in the family to get their incomes due on their shares from the managing member. A great deal of misunderstanding is due to the present practice. I do not wish to go into the question whether by this the thin end of social reform is sought to be introduced. I think my Honourable friend the Law Member took a very extraordinary view of this question. I think he was not prepared to do really anything whatever. I do not agree with him that in Bengal there are no *Mitakshara* families. Even there there must be an appreciable number of families governed by the *Mitakshara* law, in which the family is a unit

The Honourable Sir Brojendra Mitter: My friend will pardon me. When I said Bengal, I was referring to the Bengal school of Hindu Law.

Mr. S. Srinivasa Iyengar: I stand corrected. I refer to the geographical Bengal. I submit, Sir, it is not proposed to effect any revolutionary change in Hindu society by this amendment. I must join issue on that question. How is the Income-tax Act going to effect a revolutionary change in Hindu society? If my Honourable friend concedes that the Income-tax Act has introduced, or will introduce, any revolutionary change in Hindu society, then the sooner that Act is abolished the better. This amendment does not seek to make any revolutionary change in Hindu society. There is no need to take too tragic a view of it, that if you accept this amendment, the whole Hindu society will be jeopardised. It only says what is the natural thing to do. The natural person must be the juristic person. There is no necessity to make this joint family a juristic person, a fictitious person, for the purposes of the Income-tax Act. I think amendments have been made even in the case of firms for the purpose of disintegrating the firms and making individual members of the firms liable in certain classes of cases. When that is the case, it seems to me to be a reactionary procedure to go and insist that families should be treated as legal persons assessable to income-tax, as individual assesseees, with all the difficulties that must exist, with all the stimulus to litigation, controversy, family disputes and necessity for partitions on account of these things. I have known of cases in which I have appeared in which a member of a joint family claimed that the joint family has been divided and he has paid income-tax in his own name for the purpose of showing that the family is divided. No doubt, the public may get some benefit in that case; but there is no reason why that procedure should be allowed to continue. The right and wholesome course is undoubtedly to tax the individuals, and not the family, which is not a corporation. Almost every member may have, in these days, if he makes any extra income, a separate property, and it is only right that the income which he gets from the joint family property should be tacked on to the income which he earns from his separate earnings, and both of them should be regarded as his own income and the exemptions to which he is entitled under the Indian Income-tax Act should be open to him. By this method of blubbing the incomes of individuals I think the hardships which my Honourable friend Mr. Jayakar pointed out undoubtedly exist.

For these reasons, while I should have preferred, perhaps that the words should be "that such member would have received or would be entitled to receive", I think the amendment as it stands correctly brings out the intention of the Mover of the amendment. I am in hearty agreement with this amendment, and I hope that Members of this House, who feel that this amendment has got anything to do with Hindu society will give an ordinary Hindu person like myself the credit of imagining that my society is not going to be revolutionised. I still wear *khadi* and I still propose to remain a Hindu. I do not think that the society is at all revolutionised, and I certainly question the startling statement which my Honourable friend the Law Member chose to make on this occasion.

(At this stage Mr. M. K. Acharya stood up in his place.)

Mr. President: The Government are not in a hurry it seems.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): But for the provocative speech of my Honourable friend, Mr. Jayakar, which has brought me on to my feet, I should have been tempted to take just an ordinary man's common sense point of view, and I should have been tempted to support the amendment brought forward by my Honourable friend Mr. Bhargava. If, however, I am now put on my guard, if I am now rather tempted to look more closely into the effects of the amendment upon Hindu society as a whole, I think it was due, as I have said, to the remarks that fell from Mr. Jayakar's lips.

Mr. M. R. Jayakar: They are my personal views.

Mr. M. K. Acharya: He told us, and probably he is more right now than on many other occasions, that this amendment will have the effect of bringing about a complete disintegration of Hindu society. That was his personal desire, and he said that the object of this amendment would be that. Otherwise I do not believe that any of us thought about it so very seriously. It may be, of course, that Mr. Jayakar is projecting his social reforming enthusiasm into the whole matter. Whatever it is, if that is likely to be the consequence of accepting this amendment, namely, hastening the disintegration that is coming upon Hindu society,—we may perhaps have two views upon that question. There may be some who will like, and greatly like it, and will do their best to promote it. There may be others who may hesitate, for I believe, in this world, there is no rose without a thorn. If the joint family system has certain disadvantages, it certainly had in the old days, and even now it has certain advantages also. Individualism has certain advantages; it has a great many disadvantages also. Therefore, I am sorry that this unnecessary side-question of the effect of the amendment on the merit or the demerit of the Hindu joint family system should have been raised in a subsidiary manner. In fact, Mr. Jayakar stated that this Legislature should help us as far as it can towards the disintegration, towards the destruction of old Hindu traditions and things of that kind. To that portion of his speech and to that aspect of anything that we might do in this House I should certainly take the strongest objection. I am not pleading for a moment that everything is right or so right in the Hindu society that we cannot have any reform. But certainly this House is not the place, this House is not the body that ought to interfere and hasten social reform either directly or

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indirectly. I would like therefore to subscribe to what I may call the straight common sense view taken by my Honourable friend, Mr. Srinivasa Iyengar. There are inconveniences, and if members of joint families are being put to trouble by the working of the Income-tax Act, let us by all means remove them. But for God's sake don't put into our heads these confusing ideas whether or not the old Hindu family system should be disintegrated all at once before the end of 31st December, 1929.

Mr. M. R. Jayakar: Possibly my Honourable friend did not hear me all right at that distance. All that I said was that this House should do nothing by way of legislation which will interfere with the process of slow disintegration which is going on slowly outside.

Mr. M. K. Acharya: I took only these words. I thought he used the words "the disintegration of Hindu society should be helped". However, I am glad, and perhaps on reflection he would like to use more cautious language.

Mr. President: Order, order. You must accept the Honourable Member's statement.

Mr. M. K. Acharya: I accept it, Sir, but even to that cautious statement I would only say that it might as well have not been made here. I only take this point of view, that there are difficulties and inconveniences felt by members of the Hindu joint family; thus when all their individual incomes are added together for the purpose of income-tax they have to pay the tax, whereas otherwise they would not be liable to be taxed under the Income-tax Act at all. If that is all that this amendment seeks to remedy, I should like to support it; but if there are going to be consequences which will bring about, however, indirectly a speedy disintegration of the Hindu society,—if that is going to be an indirect result of this amendment, I certainly would loathe to vote for it. If I at all vote for the amendment, it shall not be to bring about a disintegration of the Hindu society but it shall be merely to remove certain difficulties and inconveniences felt in the working of the Income-tax Act.

Mr. F. W. Allison (Bombay: Nominated Official): I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The question is.

(The Honourable Sir George Schuster stood up.)

Mr. President: The Honourable Member is not entitled to a reply on an amendment. I thought the Law Member had represented the Government.

The Honourable Sir George Schuster: I have not spoken yet on this motion and I think I am entitled to a reply.

Mr. President: I am very sorry. The Honourable Member is late.

Mr. President: The question is:

That to sub-clause (3) of clause 5 of the Bill the following proviso be added:

'Provided that in the case of the Hindu undivided family each member of such family shall be assessed separately and his total income shall be deemed to be an income to which such member would have been entitled if such member were not joint.'

The Assembly divided:

AYES—44.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Goswami, Mr. T. C.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.

Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Sartaraz Hussain Khan, Khan Bahadur.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Singh, Raja Raghunandan Prasad.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar Prasad.
Tirloki Nath, Lala.

NOES—51.

Abdoola Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Abdullah Haji Kasim, Khan Bahadur Haji.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghusnavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Keane, Mr. M.
Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.

Mitra, The Honourable Sir Bhupendra Nath.
Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji Chaudhury.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

(b) Will Government be pleased to state the rates that are granted to the members of the other Government departments as compensation?

(c) If there is any distinction in the matter of granting compensatory allowance between members of one department and another department, do Government propose to remove such distinction?

The Honourable Sir Bhupendra Nath Mitra: (a) Presuming that the Honourable Member refers to the members of the staff moving between Simla and Delhi telegraph offices, compensatory allowances at the following rates are paid to some of them:

	Rs.
Superintendent	100 per mensem for the period he remains at Simla.
Clerks and time-keepers on revised scales of pay	15 each a month both at Simla and Delhi.
Remington printing machine operators ..	20 each a month both at Simla and Delhi.

(b) Various allowances are payable to the members of the clerical staff of the Departments of the Government of India under the provisions of the Simla Allowances Code, a copy of which is in the Library of the House, or under special orders of a temporary nature. But they afford no real basis of comparison with the allowance paid to members of the Simla-Delhi Telegraph offices.

(c) The reply is in the negative.

ORDERS IN REGARD TO THE PRODUCTION OF MEDICAL CERTIFICATES BY THE STAFF OF THE CENTRAL TELEGRAPH OFFICE, NEW DELHI.

1220. ***Mr. M. S. Sesha Ayyangar:** (a) Will Government be pleased to state whether they are aware of the fact that the Superintendent of the Central Telegraph Office, New Delhi, has issued orders prohibiting members of the staff from producing medical certificates regarding their ill-health from registered medical practitioners?

(b) Will Government be pleased to state whether the above order is in accord with the rules laid down by the Government of India or the Director General, Posts and Telegraphs?

(c) Will Government be pleased to state the reason for the objection to producing medical certificates from registered medical practitioners, who have been duly authorised by Government?

Mr. P. G. Rogers: (a) The orders issued were to the effect that leave on medical certificate would be granted only on production of a certificate either from the Civil Surgeon or his assistant.

(b) The orders were not quite in accord with the rules, and the necessary instructions will be given in the matter. The Honourable Member will, however, observe from Supplementary Rule 228 that normally the certificate of the medical attendant of the applicant should be countersigned, either by a Presidency Surgeon, or by the medical officer in chief medical charge of the district. The authority competent to grant the leave can reject the certificate of the applicant's medical attendant if the applicant for leave cannot or will not, if required, get it countersigned.

(c) The order was issued after there had been cases of wilful absence from duty on pleas of ill-health which were not substantiated.

APPOINTMENT OF THIRD CLASS CLERKS IN THE CENTRAL TELEGRAPH OFFICE, MADRAS.

1221. ***Mr. M. S. Sesha Ayyangar:** (a) Will Government be pleased to state whether the present Superintendent of the Central Telegraph Office, Madras, has powers of appointing third class clerks in his office?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reason for the appointment of these clerks by the Deputy Postmaster General, Madras, from June, 1928, in the Madras Office?

(c) Will Government be pleased to state whether the officers of the First Division, who are in charge of Presidency Offices, have been authorized by the Government to appoint clerks in their offices when there are vacancies?

(d) Will Government be pleased to state the minimum qualifications prescribed for appointment of clerks in the Telegraph Department?

(e) Will Government be pleased to state the reason for appointing unpassed men in the Madras Office when qualified men were available?

(f) Will Government be pleased to state whether they will consider the appointment of qualified men in Telegraph Offices as clerks without putting them through a competitive examination along with unpassed men?

Mr. P. G. Rogers: (a) Yes.

(b) There being a large number of vacancies in the Circle as well as in the Madras Central Telegraph Office, it was arranged that one examination should be held for all the candidates, and the appointments were made by the Deputy Postmaster-General from the joint-list.

(c) Yes.

(d) Ordinarily the matriculation examination of a recognised university, or its equivalent.

(e) Because these men did exceptionally well in the departmental competitive examination and secured places above those with university qualifications.

(f) No.

PAY OF TASK WORK MESSENGERS AND PERSONNEL AND ALLOWANCES OF LOCAL SERVICE TELEGRAPHISTS.

1222. ***Mr. M. S. Sesha Ayyangar:** (a) With reference to the reply to question No. 177 on the 4th February, 1929, put by Mr. N. M. Joshi, regarding the task work messengers, will Government be pleased to state when the decision is likely to be reached?

(b) With reference to the reply given to question No. 178 (b) asked by Mr. N. M. Joshi on 4th February, 1929, will Government be pleased to furnish (1) the number of Anglo-Indians, and (2) the number of Indians appointed to the Local Service after 1st March, 1913?

(c) Will Government be pleased to state whether Local Service telegraphists appointed after 1st March, 1913, are liable to transfer?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state the reason for not granting house-rent allowance to them, as is granted to General Service telegraphists and to Local Service telegraphists appointed before 1st March 1913, because of liability to transfer?

The Honourable Sir Bhupendra Nath Mitra: (a) The question is receiving special attention, and I hope that orders will be issued at an early date.

(b) Accurate information cannot be furnished, as the records have been destroyed in the usual course, but if the Honourable Member wishes to know the number of men still in the Local Service, the answer is, (i) Anglo-Indians, nil, (ii) Indians, 8.

(c) No, except within their respective Circles.

(d) The attention of the Honourable Member is invited to part (b) of the reply given in this House on the 4th February, 1929, to Mr. N. M. Joshi's unstarred question No. 178.

EXTENSION OF AGE LIMIT FOR APPOINTMENT OF TELEGRAPHISTS.

1223. ***Mr. M. S. Sesha Ayyangar:** (a) With reference to the reply given on the 4th February 1929 to Question No. 179 (c) put by Mr. N. M. Joshi, will Government be pleased to state whether they propose to consider and extend the age limit to 25 at least for the next recruitment?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to consider the grant of such a concession to the sons and relatives of men in the Telegraph Department at least for the next recruitment?

Mr. P. G. Rogers: (a) and (b). The answer to both parts of the Honourable Member's question is in the negative.

ENQUIRY REGARDING THE CONNECTION, IF ANY, OF MR. D. DIESH, ASSISTANT SURGEON OF THE COMBINED HOSPITAL, NEW DELHI, WITH A WINE BUSINESS.

1224. ***Mr. M. S. Sesha Ayyangar:** (a) Will Government be pleased to state whether Mr. D. Diesh, assistant surgeon attached to the Combined Hospital, New Delhi, is in any way connected, either as proprietor, partner or owner, with the premises and business known as Messrs. J. Diesh and Co., wine merchants, etc., New Delhi?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they propose to consider the desirability of taking any steps in the matter?

Mr. G. S. Bajpal: (a) No.

(b) Does not arise.

LEVY OF TOLLS BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY ON VEHICLES CROSSING THE NARBADA BRIDGE AT MOTAK.

1225. ***Mr. Jamnadas M. Mehta:** (a) Is it a fact that the Bombay, Baroda and Central India Railway has been levying tolls of various amounts on vehicles crossing the Narbada Bridge at Motak from the year 1885?

(b) Will Government be pleased to state the cost of building that bridge, and also the amount collected from the tolls till 28th February 1929?

(c) Do Government propose to discontinue the levy of these tolls? If not, will Government state the reason for its continuance?

(d) Are Government aware that a similar tax was levied by the Great Indian Peninsula Railway on the Jamna Bridge at Muttra, and that the same has now been discontinued? If so, will Government state the reason for the discrimination on the Bombay, Baroda and Central India Railway?

Mr. P. R. Rau: Save that the Bombay, Baroda and Central India Railway have been levying tolls on vehicles crossing the Narbada Bridge, and that the total cost of building the bridge amounted to about 18½ lakhs, Government have no information. I am making inquiries and will communicate with the Honourable Member further on receipt.

ALLEGED ISSUE OF INSTRUCTIONS TO CHIEF AUDITORS OF RAILWAYS TO GIVE PRIORITY IN PROMOTION TO MUHAMMADANS OVER HINDUS.

1226. ***Mr. Mukhtar Singh:** (a) Is it a fact that the Auditor General has issued a circular to Chief Auditors of Railways and others to the effect that, in the matter of confirmation, priority should be given to Muhammadan employees, even if they are junior in service to Hindu employees, and even if this action causes discontent among the latter?

(b) If any such circular has been issued, will the Honourable the Finance Member please lay a copy of it on the table, and say if it was issued with his approval?

The Honourable Sir George Schuster: (a) and (b). I am sending the Honourable Member a copy of the circular to which he refers, together with a copy of the original orders, dated the 5th February, 1926, which the circular is intended to interpret and supplement. The Auditor General's circular, read by itself, is perhaps liable to be misunderstood.

The essential feature of these orders is that heads of Departments are required to consider, in the case of every third vacancy, whether it is desirable that it should go to a member of a minority community. The policy to which these orders are intended to give effect is directed to securing a fair representation of minority communities on the permanent establishment. In giving effect to this policy, it may be necessary to appoint a member of a minority community to a permanent vacancy in preference to a member of a community already well represented on the establishment, who has put in a longer period of temporary employment. Special provision has been made in the interests of any who were holding temporary appointments before the 5th February, 1926.

I had not seen the Auditor General's Circular before, but now that my attention has been drawn to it, I am asking him to send out a more clearly worded circular, showing that the instructions only apply to the extent necessary to give effect to the order, dated the 5th February, 1926.

AMALGAMATION OF ORIYA-SPEAKING TRACTS.

1227. ***Pandit Nilakantha Das:** (a) Has the attention of Government been drawn to the publication in the *Hindustan Times*, Delhi, dated the 14th March, 1929, under the heading "The Government of India's memorandum to the Simonites", written by their political correspondent?

(b) Is it a fact that Government have recommended therein the amalgamation of the Oriya-speaking tracts?

(c) Will Government state the exact recommendation in detail about such amalgamation, and the exact place and character of the amalgamated areas in the coming reorganisations of the Indian provinces?

(d) Apart from the recommendations, what further steps or arrangements, if any, are being taken or contemplated to constitute the Oriya province?

(e) Considering the important nature of the question involving very vital consequences to the Oriya race, will Government make a full statement on the subject?

The Honourable Mr. J. Orerar: (a) Yes.

(b) and (c). A copy of the memorandum on the subject of the amalgamation of the Oriya-speaking peoples, supplied to the Indian Statutory Commission by the Government of India, has been placed in the Library. The memorandum makes no recommendations.

(d) No immediate steps are contemplated by the Government of India. It is understood that representatives of the Oriyas have expressed their views before the Indian Statutory Commission.

(e) Does not arise.

RESTRICTIONS TO THE GRANT OF LEAVE TO THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1228. ***Mr. D. K. Lahiri Chaudhury:** (1) Is it a fact:

(a) that grant of privilege leave to the officials of the Office of the Director General of Posts and Telegraphs, except under medical certificate has been stopped by the present Chief Superintendent?

(b) that even when an application for privilege leave from an individual clerk of that office is supported by a medical certificate from a qualified registered medical practitioner, various objections are raised, as a rule, by the present Chief Superintendent?

(c) that the clerk submitting such application for leave is forced by the Chief Superintendent to appear before him personally, before the sanction of the leave, even if the clerk is unfit to come to office owing to his illness?

(d) that the poor clerks are harassed, as above, and subjected to various other maltreatments?

(e) that recently, charge sheets have been framed against two clerks named Messrs. H. C. Dutt and L. M. Chakravartty of that office for keeping themselves away from office due to illness, and even on production of applications supported by medical certificates?

(2) If so, do Government propose to inquire into the matter and take immediate steps in the matter and remove their grievances?

The Honourable Sir Bhupendra Nath Mitra: (1). (a), (b), (c) and (d). No.

(e) Messrs. H. C. Dutt and L. M. Chakravartty absented themselves without permission. A charge sheet was framed against the former who was warned. No charge sheet was framed against the latter.

(2) No inquiry is considered necessary into these cases of ordinary office discipline.

DUTIES OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1229. ***Mr. D. K. Lahiri Chaudhury:** Is it a fact:

(a) that the present Chief Superintendent of the Office of the Director General, Posts and Telegraphs, although a gazetted officer in a non-gazetted appointment, has got very little to do except to see the opening of the daily daks, whereas all other questions affecting the staff (appointment, leave, etc.), bills and cash work are done by another Assistant Director General? If so, what is the necessity for maintaining such a highly paid officer having no defined duties of his own; and

(b) that the reduction of this appointment is under consideration of Government for effecting a large saving? If so, when will this be done?

Mr. P. G. Rogers: (a) No. On the contrary the Chief Superintendent has defined and responsible duties.

(b) No.

OFFICE HOURS OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS AND HIS STAFF.

1230. ***Mr. D. K. Lahiri Chaudhury:** Is it a fact:

(a) that the present Chief Superintendent of the Office of the Director General, Posts and Telegraphs, as a rule remains in office daily till late at night?

(b) that the poor chaprasis and other menial staff have been ordered to remain in office with him also till late hours, thus causing a great hardship to them?

(c) that clerks of that office are very frequently forced to remain in office till he remains, so late as eight, nine or ten at night?

Mr. P. G. Rogers: (a) Yes.

(b) No.

(c) No.

OFFICE HOURS OF THE STAFF OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1231. ***Mr. D. K. Lahiri Chaudhury:** (a) Will Government be pleased to say whether the Chief Superintendent of the Office of the Director General, Posts and Telegraphs, has any right to insist on the staff remaining in office till late hours without paying them extra remuneration?

(b) Are there any fixed office hours of attendance and for closing of that office? If so, what are they?

(c) Do Government propose to investigate into the matter?

Mr. P. G. Rogers: (a) The Chief Superintendent has never asked, much less insisted, on any member of the staff remaining late in office.

(b) Yes, the ordinary hours are 10-30 A.M. to 4-30 P.M.

(c) Does not arise.

PAY OF CERTAIN JUNIOR CLERKS IN THE MEDAL SECTION OF THE ARMY DEPARTMENT.

1232. ***Mr. S. O. Mitra:** (a) With reference to parts (c) and (e) of my starred question No. 840 of the 4th March, 1929, will Government be pleased to state what is the minimum pay of a routine clerk in the Secretariat?

(b) What is the pay of the register-keeper of the Medal Section?

(c) What is the pay of the typist of the Medal Section?

(d) Why was Mr. Ganguli not paid any allowances or honorarium for his additional work in the General Section?

Mr. G. M. Young: (a), (b) and (c). Rs. 75 per mensem.

(d) The clerk in question did no additional work.

EMPLOYMENT IN THE GENERAL SECTION OF INDUSTRIAL WORKERS IN THE MEDAL SECTION OF THE ARMY DEPARTMENT.

1233. ***Mr. S. O. Mitra:** (a) With reference to part (d) of my starred question No. 840 of the 4th March, 1929, is it not a fact that the following men of the Industrial Section worked in the General Section:

(1) Mr. A. K. Ghose—did the same work in the B. W. M. sub-section, for which he was originally brought to Delhi on Rs. 75.

(2) Mr. B. Ganguli—issuing the India General Service medals, register-keeper.

(3) Mr. Sardar Mohammed—typing the issue letters.

(4) Mr. K. C. Das—typing the issue letters, indexing, entering the outward numbers and dates of issue letters in proper files.

(5) Mr. S. Chatterjee—in addition to the work of checker had to type issue letters, enter outward numbers and dates of issue letters in proper files, and other work of the General Section.

(6) Mr. M. L. Chatterjee—typing the ordinary letters, notes, etc., in place of Mr. Ikbal Mohammed Khan (who was a routine division clerk on Rs. 75.)

(7) Mr. B. Banerjee—indexing, in addition to the work of puncher?

(b) If so, how is the answer of the Honourable Member accurate?

Mr. G. M. Young: (a) and (b). It was not the practice to employ the industrial staff on routine clerks' duties. But occasionally routine clerks, whose time was not fully occupied in the Industrial Sub-Section, were utilized also as routine clerks in the General Section as instanced by the Honourable Member.

DUTIES AND ALLOWANCE OF THE SUPERINTENDENT, MEDAL SECTION, ARMY DEPARTMENT.

1234. ***Mr. S. O. Mitra:** (a) With regard to the reply to part (a) of my starred question No. 842 of the 4th March, 1929, is it not a fact that the Assistant in charge, Medal Section, used to sign as Superintendent, Medal Section? Is it not a fact that all letters issued from the Medal Section are franked embossed as "P. K. Sett, Superintendent, Medal Section"? Does the Assistant in charge actually check the inscription on medals?

(b) With regard to my question No. 842 (b), how can Government justify an allowance of Rs. 80 only for checking inscriptions on medals? Cannot the puncher or the clerk be held responsible for any wrong inscription? What is the daily outturn of the work?

Mr. G. M. Young: (a) The answers to all three portions of this question are in the affirmative, but the post in question carries neither the status nor the pay of a Superintendent and the designation on the rubber stamp, to which the Honourable Member refers, was to that extent incorrect.

(b) I am not prepared to enter into a public argument on these points. Government are satisfied that the work justifies the grant of an allowance.

APPOINTMENT IN THE CENTRAL PRINTING OFFICE OF MR. ANARUL RAHMAN. AN EMPLOYEE OF THE ARMY CANTEN BOARD.

1235. ***Mr. S. O. Mitra:** (a) Is it a fact that some of the men of the Army Canteen Board have been provided for, after an examination by the Establishment Officer of the Army Department? If so, why? Is the Canteen Board a secretariat?

(b) Is it a fact that one, Mr. Anarul Rahman of the Canteen Board, has been provided for in the Central Printing Office, having been certified by the Public Service Commission as, "Tested by Canteen Board"? If so, why? Is the Public Service Commission prepared to grant the same privilege to the retrenched men of other departments? If not, why not?

Mr. G. M. Young: (a) Some ex-employees of the Army Canteen Board have been given temporary posts at Army Headquarters, for which they were suitable. The Army Canteen Board, when it existed, was not classed as a Secretariat, nor are Army Headquarters.

(b) A clerk, of a different name from that given by the Honourable Member, has been appointed to the Central Printing Office on the recommendation of the Public Service Commission, presumably, because the Commission considered him suitable. The latter parts of this question are hypothetical, but I have no doubt that the Public Service Commission do what they can to help deserving cases of this nature, where permanent employees are retrenched through no fault of their own.

APPOINTMENT OF RETRENCHED MEN OF THE MEDAL SECTION TO APPOINTMENTS EXEMPT FROM PUBLIC SERVICE COMMISSION TESTS.

1236. ***Mr. S. O. Mitra:** (a) Are Government aware that some men of the Central Printing Office were granted exemption from the Public Service Commission? If so, on what grounds?

(b) Is it a fact that the Contracts Directorate is not under the scope of the Public Service Commission, and they recruited several men during the last Simla season? Is the establishment of the Contracts Directorate under the control of the Establishment Officer? If so, why were the retrenched men of the Medal Section not given first preference?

(c) Do Government propose to keep a list of the retrenched men and try to provide them in the offices which are not under the scope of the Public Service Commission, for example, the Contracts Directorate?

Mr. G. M. Young: (a) I am informed that some men were exempted in consideration of their age and past service, after consultation with the Public Service Commission.

(b) The clerks of the Contracts Directorate are required to possess special commercial training and aptitude. Recruitment for that Directorate is effected by the Director of Contracts, subject to the approval of the Master General of Supply and the Army Department. The retrenched temporary personnel of the Medal Section were not in any way qualified for posts in the Directorate of Contracts.

(c) Government were prepared to assist these men, as far as they could, to obtain employment for which they were suitable. Government are still prepared to do so. I can give no further undertaking than this.

PRINCIPLE FOLLOWED IN THE RETRENCHMENT OF THE STAFF OF THE MEDAL SECTION OF THE ARMY DEPARTMENT.

1237. ***Mr. S. O. Mitra:** (a) With reference to part (b) of my starred question No. 841 of the 4th March, 1929, could not even Mr. Das do the work of the register keeper, despatcher, issue clerk or assistant stockholder? If not, why was he not retrenched earlier when some of the graduates were retrenched?

(b) Is it a fact that retrenchment in the Medal Section was made in accordance with the whims of the officer in charge, sometimes in order of seniority, while on other occasions in order of merit and efficiency, as it suited his purpose?

(c) If not, what principle does he follow in matters of retrenchment of officers?

Mr. G. M. Young: (a) I have not been able to follow the question, but as already stated, the clerk was discharged because the establishment was being reduced and he was at that time the least efficient member of it.

(b) No.

(c) Both seniority and efficiency are taken into account.

WITHHOLDING OF TELEGRAMS ADDRESSED TO SECRETARIES OF BRANCH CONGRESS COMMITTEES REGARDING THE ARREST OF MAHATMA GANDHI AND MR. K. S. ROY.

1288. ***Mr. S. O. Mitra:** (a) Is the statement in the *Amrita Bazar Patrika*, dated the 8th March, correct that "the following telegram

addressed to the Secretaries of different district and branch Congress committees on Tuesday morning was withheld by the Telegraph Office:

'Mahatma Gandhi, Kiran Sankar Roy arrested for burning foreign cloth. Arrange protest meetings immediately. Start foreign cloth boycott propaganda and burn foreign cloth—Subhas Bose' " ?

(b) If so, will Government please explain the reason for withholding the message?

(c) Under what provision of law was the telegraphic message withheld and under whose orders?

The Honourable Mr. J. Crerar: The telegram in question was referred by the Telegraph Office, under Rule 13 of the Indian Telegraph Rules, to the Local Government, who, considering that its transmission was calculated, in the absence of full details, to produce disturbances or create unfounded public alarm, in exercise of the powers conferred by section 5 of the Indian Telegraph Act, ordered that it should not be transmitted.

Diwan Chaman Lall: May I ask the Honourable Member whether, in view of the fact that the statements made therein were perfectly correct, he will take the first opportunity to tender an apology to the sender of the telegram?

The Honourable Mr. J. Crerar: No, Sir.

Diwan Chaman Lall: What action does the Honourable Member intend to take in view of the infringement of the right of a member of the public to use the telegraph lines to send a telegraphic message concerning certain facts?

The Honourable Mr. J. Crerar: That is entirely within the discretion of the Local Government and the Government of India do not intend to intervene in that.

Mr. Gaya Prasad Singh: May I know, Sir, what is the attitude of the Government with regard to the burning of foreign cloth by the people?

The Honourable Mr. J. Crerar: That does not arise.

Diwan Chaman Lall: May I ask the Honourable Member whether the real reason was that the official concerned stopped this telegram, not being aware of the full facts?

The Honourable Mr. J. Crerar: The real reason was that which I communicated in my reply to the question.

Diwan Chaman Lall: Will the Honourable Member make himself perfectly clear, because the real reasons are not apparent from the reply given by him just now?

The Honourable Mr. J. Crerar: I think the reply is clear.

Diwan Chaman Lall: May I ask the Honourable Member as to what the real reason is? Was it or was it not, firstly that he was not aware of the full facts, and secondly that the transmission of this telegram was likely to create agitation in the country?

The Honourable Mr. J. Crerar: I have nothing to add to what I have said on the subject.

RESERVATION OF THIRD CLASS COMPARTMENTS FOR EUROPEANS ON INDIAN RAILWAYS.

1239. ***Mr. M. S. Aney:** (a) Has the attention of the Government been drawn to the letter published in the issue of *Leader* of 6th March, under the signature of Chandra Dutta Pande, Professor, Kashi Vidyapeetha of Benares?

(b) Will Government be pleased to state whether the Railway Board or any of the superior officers of the East Indian Railway, have issued instructions to maintain a third class compartment reserved for Europeans on the trains they run and to admit into the compartment only those who are dressed in European garments, irrespective of their nationality?

(c) Will Government be pleased to state whether they have issued definite and unambiguous instructions to the railway authorities at all the stations not to reserve any third class compartment for Europeans, and not to observe any racial or sartorial discrimination in admitting passengers to any such compartment in any train?

(d) If the allegations in the letter mentioned in part (a) are true, will Government be pleased to state what steps they have taken or propose to take against the Station Master at Benares Cantonment Station?

Mr. P. R. Rau: I would invite the Honourable Member's attention to the reply I gave on the 22nd March to a similar question (No. 1175) put by my Honourable friend Maulvi Muhammad Yakub.

REVERSION OF TELEGRAPHIST B. C. DE FROM THE WHEATSTONE WIRELESS STATION, RANGOON.

1240. ***Mr. M. S. Sessa Ayyangar:** (a) With reference to the reply given to the question put by U. Tok Kyi in the Assembly on the 18th September, 1928, regarding the reversion of telegraphist B. C. De, from the Wheatstone wireless station, Rangoon, will Government be pleased to state on whose report he was found unsuitable?

(b) Will Government be pleased to state whether it is not a fact that there was no report of such unsuitability from the officer in charge by whom he was trained?

(c) Was he found unsuitable as the result of any examination?

(d) Are Government aware of the fact that De's reversion took place, not while he was under training, but after he had been examined and had passed the test?

(e) Is it a fact that his reversion took place while he was working as a qualified operator?

(f) Is it not a fact that the reversion order had been passed by the Director, Wireless, before the fact of telegraphist De having been examined and having passed the test was communicated to him?

Mr. P. G. Rogers: With your permission, Sir, I will answer questions 1240 and 1241 together.

In view of further facts which have come to light since the reply given to U. Tok Kyi's starred question No. 1053 of the 12th March, 1929, the whole case regarding Mr. De's reversion is being re-examined and the Honourable Member will be apprised of the result in due course.

PREVIOUS PAYMENT TO MR. B. C. DE OF THE ALLOWANCE OF A QUALIFIED WIRELESS OPERATOR.

1241. ***Mr. M. S. Sessa Ayyangar:** (a) Will Government be pleased to state whether it is a fact that wireless allowances in the Wheatstone wireless experimental stations are granted to operators only after they have passed the test for retaining them as operators?

(b) Is it a fact that telegraphist De has received this allowance for the period he worked as an operator after qualifying himself at the test?

CUSTOMS TARIFF RATES RECOMMENDED BY THE INDIAN TAXATION INQUIRY COMMITTEE.

1242. ***Mr. Mukhtar Singh:** (a) Have Government appointed any committee of experts to scrutinise the customs tariff rates, as recommended by the Indian Taxation Inquiry Committee?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state if any report of that Committee has been received? If the answer be in the negative, will Government be pleased to state the action taken on the aforesaid recommendation?

The Honourable Sir George Rainy: (a) No.

(b) No action has as yet been taken on this recommendation.

INQUIRY INTO THE LOSS OF REVENUE IN COLLECTING CUSTOMS DUTIES.

1243. ***Mr. Mukhtar Singh:** As recommended by the Indian Taxation Inquiry Committee, has any inquiry been made into the causes of loss of revenue in collecting custom duties? If so, with what results?

The Honourable Sir George Schuster: An inquiry was made, as recommended by the Indian Taxation Inquiry Committee. The result of the inquiry has been that, so far as the sea-borne traffic is concerned, the existing arrangements are, on the whole, satisfactory, and that there has been very little loss of revenue. As regards land frontiers, particularly round Pondicherry and Karikal, it has always been recognized that effective preventive arrangements are difficult. Substantial additions to the land frontier staff have been made in recent years, both before the appointment of the Taxation Inquiry Committee and after, and it is believed that smuggling on the land frontiers is being held in as complete check as is possible without altogether disproportionate expense and harassment of local traffic.

LEAD POISONING OF WORKERS IN GOVERNMENT OF INDIA PRESSES.

1244. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that a large number of casters, compositors and distributors suffer from lead poisoning in the Government of India Presses?

(b) What measures are adopted for the prevention of the disease?

† For answer to this question, see answer to question No. 1240.

(c) Is any compensation paid under the Workmen's Compensation Act to the workers who are incapacitated for further service due to lead poisoning?

(d) Is soap supplied to the workers for washing their hands and nails at regular intervals?

(e) Does not lead poisoning fall under occupational diseases as defined in the said Act?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to answer questions Nos. 1244 and 1245 together. Inquiries are being made and the result will be communicated to the Honourable Member in due course.

GRANT OF COMPENSATION TO COMPOSITORS INVALIDED DUE TO LEAD POISONING.

†1245. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that two compositors named Preombada Chuckerbutty and Mahabir Prosad employed in the Government Press, Delhi, were invalided due to lead poisoning?

(b) Was any compensation given to the two compositors under the Workmen's Compensation Act?

(c) Is it a fact that compositor Preombada Chuckerbutty interviewed the Manager at his bungalow in connection with the compensation but the Manager refused to entertain any claim in this respect?

(d) Is it a fact that the said compositor suffered from colic and paralysis of the extensor muscles of the forearms due to lead poisoning and subsequently died at Calcutta? If so, why was no compensation given to him?

HONORARIUM GRANTED TO THE MANAGER AND ASSISTANT MANAGER OF THE GOVERNMENT OF INDIA PRESS FOR PRINTING BUDGET PAPERS.

1246. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that an honorarium is granted to the Manager and the Assistant Manager of the Government of India Press, Delhi, every year for printing budget papers?

(b) What are the reasons for incurring recurring expenditure of this description every year?

(c) Does not the printing of the budget form part of the ordinary duties of the said officers? If not, why is an honorarium not granted to the General Foreman and the staff who actually do the work?

(d) Is it a fact that an honorarium is granted for work of an exceptional merit and peculiar nature? If so, why is an honorarium sanctioned for work which is performed every year?

(e) Is any honorarium granted to the Managers and other staff in the provincial presses for printing budget work?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The work is considered to be of such an arduous nature as to justify a special reward.

† For answer to this question, see answer to question No. 1244.

(c) The printing of the budget is part of the ordinary duties of the Manager and Assistant Manager, but it involves a very heavy strain on both these officers. The General Foreman and the staff are paid over-time allowance and are not therefore granted an honorarium.

(d) An honorarium may also be sanctioned for work which is of such an arduous nature as to justify a special reward. The grant of an honorarium for the prompt and efficient printing of the budget is admissible under the rules and in the opinion of the Government of India it is fully justified.

(e) The Government of India have no information.

Mr. Gaya Prasad Singh: May I know what is the amount of the honorarium which was paid to the Manager and the Assistant Manager?

The Honourable Sir Bhupendra Nath Mitra: I am sorry, Sir, I have not got the information with me now; and I must ask my Honourable friend to put down a question on the paper on the point.

APPOINTMENT OF A QUALIFIED MECHANIC FOR MONOTYPE MACHINES IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1247. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that there is no qualified Mono-mechanic in the Government Press, Delhi? If so, is it a fact that great hardship is caused to operators by having to adjust their machines?

(b) Is it a fact that one mono-keyboard, transferred from the Calcutta Press has been lying idle for the last six months as there is no qualified mechanic to put it in working order?

(c) Is it a fact that the undernoted new mono-machinery was burnt out or broke down soon after its installation in 1927-28 owing to the carelessness or inefficiency of the men in charge:

(i) Five electric mono-heaters costing Rs. 5,000,

(ii) Mono-motor attached to compressor costing Rs. 1,500,

(iii) Mono compressor costing Rs. 2,000?

(d) If the reply to part (c) be in the affirmative, what steps do Government propose to take to safeguard expensive machinery being spoilt or broken owing to lack of supervision?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the negative. The latter part of the question does not arise.

(b) No.

(c) No.

(d) Does not arise.

GRANT TO WORKERS IN THE GOVERNMENT PRESS, DELHI, OF COPIES OF ORDERS INFLECTING PUNISHMENT ON THEM.

1248. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that copies of orders inflicting punishments on workers are not given to the men concerned by the Manager, Government Press, Delhi, and the Controller of Printing, for the purpose of filing appeals to higher authorities? If so, why?

(b) Is it a fact that Press workers are not very educated and that they have to rely on educated men to write appeals for them?

(c) Are there any Government orders against copies of punishment orders being given to the men concerned when they ask for them?

The Honourable Sir Bhupendra Nath Mitra: (a) Copies of the orders are not given to the workers concerned, but the orders are communicated to them by the head of the Branch concerned.

(b) Government have no information.

(c) No.

Diwan Chaman Lall: May I ask the Honourable Member, Sir, whether he intends to revise the practice, and to issue orders accordingly?

The Honourable Sir Bhupendra Nath Mitra: I shall have that point looked into, but I cannot give the Honourable Member any assurance.

USE OF PHYSICAL VIOLENCE BY SECTION-HOLDER A. AZIM, AGAINST CO-WORKERS IN THE GOVERNMENT PRESS, DELHI.

1249. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that officiating section-holder, Mr. A. Azim, in the Delhi Press, is in the habit of using physical violence against workers?

(b) Is it a fact that the said section-holder threatened operator Biru Ram with sticks and slaps in the presence of the Assistant Manager, but no disciplinary action was taken against the section-holder, but the operator was punished instead by his promotion having been stopped?

(c) Is it a fact that the said section-holder last month caught Malku, compositor, by the neck and kicked and slapped him in the presence of the Manager, who took no action against the section-holder?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) A quarrel occurred between the section-holder and the operator. The matter was investigated by the Works Committee, and disciplinary action was taken against both of them.

(c) No.

PROMOTIONS TO SENIOR GRADES IN THE READING BRANCH OF THE GOVERNMENT PRESS, DELHI.

1250. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that a large number of promotions in the senior grades have been made in the reading branch of the Delhi Press without the knowledge and approval of the Controller of Printing?

(b) Is it a fact that the claims of senior readers have been overlooked in promotions and a number of juniors promoted to higher grades?

(c) Is it a fact that men who were copy-holders of Mr. Hafizulla have been promoted as senior readers whereas Mr. Hafizulla, who was appointed as a reader nearly 15 years back, before all the men so promoted, is still kept in the junior scale?

(d) Is it a fact that a junior reader, who was lately in the Rs. 110 grade, has been appointed as a head reader on Rs. 350 per mensem?

(e) Is it a fact that the said head reader is unable to write or speak English correctly? If so, is it proposed to fill the appointment permanently with a better qualified senior reader by transfer either from the Calcutta or the Simla Press?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) No.

(c) I am making inquiries and will communicate the result to the Honourable Member in due course.

(d) No.

(e) No; the second part of the question does not arise.

UNEVEN DISTRIBUTION OF WORK TO PIECE-WORKERS IN THE GOVERNMENT PRESS, DELHI.

1251. ***Diwan Chaman Lall:** (a) Is it a fact that in the Delhi Press much favouritism and petty oppression prevails in the distribution of work by section-holders to piece-workers?

(b) Is it a fact that profitable work is given by section-holders to their own favourites and the other men are kept on starvation wages by the withholding of profitable work from them?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The answer is in the negative.

CHECKING OF TIME-WORK DONE BY PIECE-COMPOSITORS IN THE GOVERNMENT PRESS, DELHI.

1252. ***Diwan Chaman Lall:** (a) Is it a fact that the time allowed by correction-checkers to piece-compositors for time-work is neither checked by the Manager nor the Assistant Manager of the Delhi Press with the files?

(b) If so, why is no check exercised?

(c) Are not correction charges checked by the Assistant Manager and the case room overseers in the Calcutta Press?

The Honourable Sir Bhupendra Nath Mitra: (a) No. It is a part of the duties of the Assistant Manager to check a portion of the time memoranda.

(b) Does not arise.

(c) It is the duty of the Overseers to check a portion of the correction charges checked by correction checkers.

APPOINTMENT TO THE GOVERNMENT OF INDIA PRESS, DELHI, OF RELATIVES OF THE ASSISTANT MANAGER.

1253. ***Diwan Chaman Lall:** (a) Is it a fact that a large number of vacancies in the clerical and reading branches of the Government of India Press, Delhi, are filled by the relatives of the Assistant Manager?

(b) Is it a fact that two brothers-in-law and two nephews of the Assistant Manager are already employed in the Press?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) I am informed by the Controller that only one brother-in-law of the Assistant Manager is employed in the Press. (Laughter.)

ALLEGED SALE OF INJURIOUS DRUGS IN THE TIFFIN ROOM OF THE GOVERNMENT PRESS, DELHI.

1254. ***Diwan Chaman Lall:** Is it a fact that opium and ganja are freely sold and indulged in by a large number of the employees in the tiffin rooms of the Delhi Press? If so, why no action is taken by the Manager to stop the sale of injurious drugs in the Press?

The Honourable Sir Bhupendra Nath Mitra: The drugs in question are not freely sold in the tiffin rooms of the Delhi Press, and Government have no information as to whether they are freely indulged in by a large number of employees in the Press. The second part of the question does not therefore arise.

Diwan Chaman Lall: May I ask the Honourable Member whether he will make inquiries and find out whether these two drugs are being consumed in large quantities?

The Honourable Sir Bhupendra Nath Mitra: I am afraid it is not possible for me to make inquiries whether any employees in the Press, or how many of them, or whether a large number of them, are in the habit of taking drugs or not.

Diwan Chaman Lall: But the question is, Sir, whether these drugs are being sold in the premises of the Press?

The Honourable Sir Bhupendra Nath Mitra: I have already answered that part of the question, Sir.

MEMORIALS TO THE AGENT AND DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY, BY THE STAFF OF THE DELHI AREA OF THAT RAILWAY.

1255. ***Diwan Chaman Lall:** (a) Will Government be pleased to state whether they are aware of the memorials sent by the "Staff Delhi area" to (1) the Divisional Superintendent, North Western Railway, Delhi (2) the Agent, North Western Railway, Lahore, representing certain grievances to be redressed?

(b) If so, what action is being taken on these memorials?

(c) If not, do Government propose to take immediate steps to remove the grievances?

Mr. P. R. Rau: Government have no information, but it would appear that the matters referred to are such as the Agent has full powers to deal with. A copy of the Honourable Member's question is being sent to the Agent.

Diwan Chaman Lall: May I ask the Honourable Member whether it is the considered policy of the Government or the Railway Board that all matters referred to in questions put on the floor of the House should be referred merely to the Agent, and no satisfactory reply given on the floor of this House?

Mr. P. R. Rau: These are matters for the local administration and the memorials have been sent to the Divisional Superintendent and the Agent. If the staff are dissatisfied with any of the replies given by these officers, and have a right of appeal, I presume they will address the Railway Board themselves.

COMPLETION OF THE BETALA-BEAS RAILWAY.

1256. ***Diwan Chaman Lall:** (a) Is it a fact that, though the construction of the Betala-Beas Railway was sanctioned a year ago, only a portion thereof up to Qadian has since been opened for traffic?

(b) Is it a fact that, though the complete line has been surveyed, land acquired and earth-work completed, further work on the line, up to Beas, is being suspended? If so, why?

(c) Is it a fact that station buildings up to Srigobindpur—about 11 miles from Qadian—have practically been completed and tracklaying only remains?

(d) Do Government propose to order the immediate construction of the line at least up to Ghoman Station?

Mr. P. R. Rau: (a) Yes.

(b) Yes. Work on the portion beyond Qadian was temporarily suspended in order that the funds available should be devoted to more important works.

(c) This statement is correct, but I may add that the number of stations involved is only two.

(d) Government recognise the desirability of going on with this line at an early opportunity.

Diwan Chaman Lall: May I ask the Honourable Member what the other particular works are on which these funds were employed?

Mr. P. R. Rau: The information is contained in the budget statement which was placed before this House recently.

ISSUE BY RAI SAHIB GANGA RAM, ASSISTANT, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, OF A NOTICE OF THREATENED STRIKE BY SWEEPERS AGAINST MUSLIMS IN SIMLA.

1257. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that there is one Rai Sahib Ganga Ram employed as an Assistant in the Department of Education, Health and Lands?

(b) If the answer to part (a) is in the affirmative, are Government aware that he is the President of the Balmeki Sabha (Sweepers' Association), Simla?

(c) Are Government aware that a notice was recently issued over his signature to the Muslim community of Simla that the local sweepers would go on strike as far as the Muslim community alone was concerned if a certain sweeper woman, alleged to have been abducted by a local Muslim, was not returned by a certain date?

(d) Are Government also aware that the said sweeper woman had embraced Islam of her own free will and was not abducted by a Muslim, as alleged by the said Rai Sahib Ganga Ram?

(e) Are Government also aware that the Muslim community of Simla, as a whole, protested against this action of the said Rai Sahib Ganga Ram?

(f) Are Government aware that the Deputy Commissioner, Simla, warned the said Rai Sahib Ganga Ram against this action of his?

(g) If the answers to the above questions are in the affirmative, what disciplinary action was taken by Government against the said Rai Sahib Ganga Ram under the Government Servants' Conduct Rules? If none was taken, why not?

Mr. G. S. Bajpai: (a) Yes.

(b) to (f). Government have no information beyond what has already appeared in the Press.

(g) The case is not covered by the Government Servants' Conduct Rules, but Mr. Ganga Ram was warned.

REJECTION ON MEDICAL GROUNDS OF CANDIDATES FOR THE I. C. S. AND INDIAN FINANCE DEPARTMENT EXAMINATIONS.

1258. ***Mr. Amar Nath Dutt:** (1) Is it a fact that Babu Panchanan Chakravarty who passed the B.A. examination of the Calcutta University, securing first place in the examination, was not allowed by the Bengal Government to appear at the I. C. S. examination in 1927 on the ground of a slight narrowness in the chest?

(2) Is it a fact that he was not allowed in 1928 to compete at the all-India Finance Examination, though he stood first in the M.A. examination, on the ground that he suffered from a slight ring-worm in the waist?

(3) Is it a fact that another candidate was not allowed by the Bengal Government to appear at the 1928 Indian Police Service examination on the ground of his having a slight tendency towards hydrocele?

(4) If the answer to the above questions be in the negative, will Government state on what medical grounds they were not allowed to sit at these examinations?

(5) Is it a fact that Mr. Fazlur Rahman Khondokar was allowed by the Bengal Government to sit at the Indian Police Service examination in 1928, even though he was declared by the Medical Board to have been suffering from hernia?

(6) If so, will Government state why the two candidates referred to in parts (1), (2) and (3) have been debarred from examination while the candidate referred to in part (5) has been allowed to sit at the examination?

(7) Will Government please place on the table any other facts which led the Government of Bengal or the Public Service Commission to justify the differential treatment in the case of these candidates?

The Honourable Mr. J. Orerar: The attention of the Honourable Member is invited to the reply given by me to Mr. S. C. Mitra's question on the same subject on the 15th instant.

LACK OF UNIFORMITY IN ROBES WORN BY ADVOCATES OF THE CALCUTTA HIGH COURT.

1259. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the robes to be worn by Advocates of the Calcutta High Court are not uniform?

(b) Do Government propose to take steps in the direction of the creation of an Indian Bar, as foreshadowed in the speech of the Honourable the Home Member in connection with the Indian Bar Councils Act in 1926?

(c) If so, will Government be pleased to state what steps they propose to take to bring about uniformity in the matter of robes of the Advocates of the Calcutta High Court?

The Honourable Sir Brojendra Mitter: (a) The matter is being considered by the Judges of the High Court.

(b) The Bar Councils Act, which was stated by Sir Alexander Muddiman to be a step in the direction of the creation of an Indian Bar, has been in operation for less than a year. As at present advised, Government do not propose to take any further steps.

(c) The matter of the robes of Advocates of the Calcutta High Court rests entirely with the High Court, and Government do not propose to interfere.

Mr. K. Ahmed: Are Government aware that a Resolution has already been passed in the Bar Council, Calcutta, that the question of dress should not be a question of their objection, because on behalf of the Vakils Mr. Rangachariar, an ex-M. L. A. and Mr. K. C. Neogy, now in the Assembly, admitted, at the time when the Bill was under discussion, that it was not a question of their objection, and they were quite satisfied with the Vakil's dress which they used to robe themselves with?

The Honourable Sir Brojendra Mitter: The whole of this matter, Sir, is being considered by the Calcutta High Court.

Mr. Amar Nath Dutt: May I ask the Honourable Member whether it is a fact that the Barrister Advocates are in the majority in the Bar Council and that they are bent upon having a distinction as Barrister Advocates?

The Honourable Sir Brojendra Mitter: If the Honourable Member is referring to the Calcutta Bar Council, then the constitution of the Calcutta Bar Council is half Barristers and half non-Barristers, and the Advocate-General is the ex-officio Chairman.

Mr. K. Ahmed: Is it a fact that the Government of India, in the Home Department, received a memorial from members of the Bar Council in England that their robes should not be worn by the present Advocates under the Bar Councils Act, and that they were the robes of the Barristers from England, Scotland and Ireland, which could not legally be interfered with?

The Honourable Sir Brojendra Mitter: That again is a subject which is now being considered by the Judges of the High Court. I may inform Honourable Members that a sub-committee of the Judges of the Calcutta High Court has been appointed to go into the whole matter.

Maulvi Muhammad Yakub: May I know what will be the position of the Barristers who cannot put two sentences together in the Bar Council?

Mr. K. Ahmed: Exactly in the same category.

Mr. President: Order, order. Mr. Neogy.

Mr. K. C. Neogy: May I take it, Sir, that the Honourable the Home Member has nothing to do with this question, and that the administrative control of the High Court has been made over to the portfolio of the Honourable the Law Member?

The Honourable Mr. J. Crerar: The Honourable the Law Member kindly consented to answer this question, because he has special cognizance of it.

Mr. K. C. Neogy: May I take it that, in answering this question, the Honourable the Law Member has not been influenced by the fact that he has been the Chairman of the Calcutta Bar Council for some time?

The Honourable Sir Brojendra Mitter: Not in the least.

Mr. K. C. Neogy: Will the Honourable Member be then pleased to state whether it is a fact that, whenever there was a conflict between the Barristers and the non-Barristers, the Barristers have always been able to carry the day by defeating the non-Barristers either by the ordinary vote of the Chairman or by his casting vote?

The Honourable Sir Brojendra Mitter: I am not in a position to agree with the Honourable Member.

Mr. K. C. Neogy: Will the Honourable Member kindly brush up his memory and tell us whether it has not been his own experience?

The Honourable Sir Brojendra Mitter: When the Barristers have won, they have won by the inherent merit of their case.

Mr. K. C. Neogy: May I know, Sir, whether it is not a fact that, on occasion, they were helped to win with the aid of the casting vote of the Chairman?

The Honourable Sir Brojendra Mitter: I am not aware of it. Certainly that was not the case when I was Chairman of the Bar Council.

Mr. K. C. Neogy: Do Government propose to inquire and satisfy themselves how far the spirit in which this measure was conceived, is being carried out in actual operation in Calcutta?

The Honourable Sir Brojendra Mitter: The Bar Councils Act has, in Calcutta, been in operation, I believe, since last July. The Council holds one meeting and sometimes more meetings every month, and it is in close touch with the Judges of the High Court. This is a domestic matter of the High Court's with which the Government of India do not propose to interfere.

Mr. K. C. Neogy: Is it not a fact that the Calcutta High Court stands on a different footing from other High Courts in regard to the constitution of the Bar Councils?

The Honourable Sir Brojendra Mitter: The constitution of the Bar Councils of Calcutta and Bombay stand on a different footing from the constitution of the Bar Councils in other Provinces. That is regulated by the Bar Councils Act.

Mr. K. C. Neogy: Is the Honourable Member aware that, when this measure was under discussion, apprehensions were expressed by non-official Members that this distinction in the case of the Calcutta High Court might operate to the prejudice of Vakils?

The Honourable Sir Brojendra Mitter: Sir, I am sorry I was not in the Assembly at the time, so I am not aware of what was said on that occasion.

Mr. K. C. Neogy: Is it not to be expected that the Honourable Member should read up the debates before he takes upon himself the duty of answering questions in this House?

INTRODUCTION OF UNIFORMITY IN ROBES WORN BY ADVOCATES OF THE CALCUTTA HIGH COURT.

1260. ***Mr. Amar Nath Dutt:** (a) Is it a fact that in some High Courts there is uniformity of robes of all Advocates?

(b) If so, will Government be pleased to state if they propose to take steps to bring about uniformity of robes of Advocates of the Calcutta High Court?

The Honourable Sir Brojendra Mitter: (a) Government have no definite information.

(b) No.

TIMING OF NO. 88 DOWN LOCAL TRAIN ON THE EAST INDIAN RAILWAY.

1261. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the timing of the 88 down local train of the East Indian Railway has been changed since September last?

(b) Was there any complaint to the Agent by the daily passengers about the altered timing?

(c) If so, will Government be pleased to state what action, if any, has been taken to restore the former timing?

Mr. P. R. Rau: With your permission, Sir, I will reply to this and the next question together. Government have no information on the matters raised in these questions and I am sure the Honourable Member will recognise that it is impossible for them to take any direct part in the preparation of time-tables. A copy of these questions will be sent to the Agent of the East Indian Railway to consider whether any action is necessary.

PAUCITY OF LOCAL TRAINS ON SUNDAY ON THE EAST INDIAN RAILWAY.

†1262. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the daily passengers of the East Indian Railway experience great difficulty on Sundays for want of any train for more than five hours after the 89 up?

(b) Was there any complaint about it to the Agent? If so, what action has been taken on it?

DISCONTENT OF SENIOR MEN IN GOVERNMENT SERVICE SUPERSEDED UNDER A RECENT HOME DEPARTMENT CIRCULAR.

1263. ***Mr. Amar Nath Dutt:** Are Government aware that the Home Department Circular No. F-176/25-Est., dated 5th February, 1926, has caused great hardship and discontent amongst the senior men who have been superseded by juniors? If so, will the Government state the reasons for such special treatment?

† For answer to this question, see answer to question No 1261.

The Honourable Mr. J. Orerar: The reply is in the negative, I am not sure what the Honourable Member has in mind, but the orders to which he refers state expressly that they relate to fresh recruitment only and not to departmental promotions.

PAY OF SHUNTING TINDALS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

1264. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the grade of shunting tindals of Howrah Division was fixed at Rs. 20—2—32?

(b) Is it a fact that the pay of shunting tindals of Howrah goods has been reduced to Rs. 20? If so, why?

Mr. P. R. Rau: Government have no information.

RE-APPOINTMENT OF STRIKERS DISMISSED AT ONDAL AND ASANSOL, EAST INDIAN RAILWAY.

1265. ***Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to the leading newspapers of Calcutta of the 7th of August, 1928, in connection with the East Indian Railway Agent's notification to the Lillooah staff regarding the reappointment of the Ondal and Asansol strikers?

(b) If so, will Government be pleased to state why the strikers of Ondal and Asansol have not been provided as yet?

(c) Is it fact that their posts have been filled up by new recruits? Do Government propose to take steps to reappoint those dismissed persons to their former posts?

Mr. P. R. Rau: (a) Yes.

(b) and (c). The Agent's undertaking was that the men who were dismissed at Ondal and Asansol would be re-engaged as vacancies occurred, and Government have no reason to believe that this is not being given effect to. I am sending a copy of the question and the reply to the Agent.

LEAVE RULES OF THE STAFF OF THE EAST INDIAN RAILWAY WORKSHOPS AT LILLOOAH.

1266. ***Mr. Amar Nath Dutt:** Will Government be pleased to state whether the leave rules and other privileges which are now in force in Lillooah power house, clerical staff, supervising staff of Lillooah and Jamalpore are allowed to the Lillooah workshop men? If not, why not?

Mr. P. R. Rau: I am making inquiries from the East Indian Railway and will communicate further with the Honourable Member on receipt of a reply.

PAYMENT OF MONTHLY WAGES TO THE WORKMEN IN THE LILLOOAH WORKSHOPS.

1267. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the Jamalpore workshop men are monthly paid servants of the Railway?

(b) If so, will Government be pleased to state whether the Lillooah workshop men are daily wagers?

(c) Do Government propose to make them monthly paid servants? If not, why?

Mr. P. R. Rau: (a) Yes.

(b) They are daily rated but paid monthly.

(c) The matter is under consideration.

NEGATIVE APPELLATION USED TO DESCRIBE CONSTITUENCIES OF MEMBERS OF THE LEGISLATURE.

1268. ***Mr. Amar Nath Dutt:** (a) Will Government state the reasons for adopting a negative description for the general constituencies of the Legislatures and describing special constituencies according to race or religion?

(b) Are Government aware that Indians belonging to general constituencies resent their description by a negative appellation with reference to a particular religion?

(c) Do Government propose to retain such description of general constituencies in the coming elections? If so, why?

(d) Are Government aware that such description is considered by those to whom it is applied, as an insult? If so, will Government be pleased to state whether it is deliberate?

The Honourable Mr. J. Orerar: (a), (b), (c) and (d). The attention of the Honourable Member is invited to the replies to his questions Nos. 522 and 748 which were given on the 26th February, 1924, and the 7th March, 1927, and the reply given to Mr. Ranga Iyer's question No. 92 on the 26th August, 1925. Government are not aware of the feeling of resentment referred to by the Honourable Member, and I think I need hardly assure him that no disparagement is intended. I am unable to say anything at present as regards the nomenclature which may be adopted for the various constituencies of the Legislature on any revision of the electoral roll.

NON-TRANSFER OF BABU NEPAL CHANDRA BANERJEE, ASSISTANT ACCOUNTANT, CALCUTTA GENERAL POST OFFICE.

1269. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the Director General, Posts and Telegraphs, issued an order to the effect that all head clerks or clerks whose duty involved handling of cash and valuables and appointments should not be kept in that charge for more than three months?

(b) If so, will Government state the duties of the accountant and the assistant accountant of the Calcutta General Post Office so far as appointments are concerned?

(c) Will Government state for how long Babu Nepal Chandra Banerjee, assistant accountant, Calcutta General Post Office, has been working as such, or as an accountant in the accounts branch?

(d) Is it a fact that he was transferred by Mr. Wrenick, late Postmaster General, Bengal and Assam, in pursuance of the Director General's orders referred to above?

(e) Is it a fact that the order of transfer was subsequently cancelled? If so, why?

Mr. P. G. Rogers: (a) No.

(b) Does not arise.

(c) For four years and eight months.

(d) He was transferred under Mr. Wrenick's orders in the interests of the service.

(e) No; it was merely held in abeyance for administrative convenience.

TRANSFER OF BABU J. C. BOSE, OF THE CALCUTTA CADRE OF THE POSTAL DEPARTMENT, TO JESSORE.

1270. ***Mr. Amar Nath Dutt:** (a) Is it a fact that Babu J. C. Bose of Calcutta cadre, though a senior official, has been transferred to Jessore and not Babu Charu Chandra Majumdar who is a much junior officer?

(b) If so, will Government be pleased to state the reasons for transferring a senior officer instead of a junior officer?

(c) Has Babu Charu Chandra Majumdar ever worked in a post office, doing actual post office work? If so, for how long? What is his duty now?

Mr. P. G. Rogers: (a) Babu J. C. Bose has been transferred to Khulna on promotion.

(b) There are no rules according to which junior officers are transferred in preference to senior officers.

(c) Yes, for over twelve and a half years; he is now one of the Assistant Postmasters of the Calcutta General Post Office.

SHORT HOURS OF WORK OF CLERKS ATTACHED TO THE GENERAL CORRESPONDENCE DEPARTMENT OF THE GENERAL POST OFFICE.

1271. ***Mr. Amar Nath Dutt:** (a) How many clerks are attached to the general correspondence department of the General Post Office? What are the hours of attendance? Is it less than that of the Post Office clerks? If so, what are the reasons for such difference?

(b) Have the curtailed hours of attendance of the clerks attached to the correspondence department been authorised under the time test? If so, will Government please state the standard on which the present staff of the correspondence branch of the Calcutta General Post Office has been fixed?

(c) Is it a fact that the clerks attached to the correspondence department have got lighter work while the post office staff are overworked? Wherefrom is the major portion of clerks drafted in when extra staff is found necessary to do extra work on overtime payment?

Mr. P. G. Rogers: Government have no information. Inquiries are being made and the result will be communicated to the Honourable Member in due course.

ISSUE OF NOTICES FOR TENDERS FOR INDIAN ARMY SERVICE CORPS CONTRACTS.

1272. ***Mr. Muhammad Ismail Khan:** (a) Is it a fact that notices and tenders for India Army Service Corps contracts are issued only to the approved contractors, whose financial status and antecedents are verified and reported satisfactory by the civil authorities?

(b) Is it a fact that contracts for the supply of firewood, charcoal, limequick and onions for the Delhi Independent Brigade Area have been given to a contractor at comparatively more enhanced rates than those offered by other contractors, ultimately resulting in a heavy loss to Government?

(c) Will Government be pleased to inquire into the matter and to state the extent of loss that Government will suffer through such a course?

(d) Is it a fact that notices and tenders for supply of firewood have not been issued by the Deputy Assistant Director of Supply and Transport, Delhi Independent Brigade Area, Delhi, to those contractors who are holding contracts for the supply of firewood up to the 31st March, 1929?

(e) If the facts stated above are correct, do Government propose to inquire into the matter and to take action against the officer concerned?

Mr. G. M. Young: (a) Yes.

(b) The contract for onions has not yet been given out. The tenders accepted for the other contracts were not higher than the market rates.

(c) For the reason given in my answer to part (b), Government will suffer no loss.

(d) Two such contractors have not received notices, because they have at various times supplied inferior articles with consequent loss to Government and detriment to the supply services.

(e) Does not arise.

EDUCATION OF MUHAMMADANS IN BALUCHISTAN AND THE NORTH-WEST FRONTIER PROVINCE.

1273. ***Mr. Muhammad Ismail Khan:** (a) With reference to the announcement of the Education Secretary to the Government of India, made in the Legislative Assembly on the 18th September, 1928, regarding the appointment of a committee to inquire into the existing facilities for primary education for boys and girls and for untouchables in the areas under the direct control of the Government of India, will Government be pleased to state when the committee will begin to function and which areas the committee will tour?

(b) Will Government be pleased to state what is the percentage of literacy in Baluchistan and the North-West Frontier Province and how does this percentage compare with the more advanced provinces of Bangalore and Coorg and the areas of Delhi and Ajmer-Merwara? Is it a fact that while Muhammadans predominate in the former, non-Muhammadans predominate in the latter?

(c) Will Government be pleased to state what action, if any, they are taking to bring the education of Muhammadans in Baluchistan and the North-West Frontier Province in line with the more advanced areas under the direct control of the Government of India like Bangalore?

(d) Will Government be pleased to state if the Education Secretary's announcement, referred to in part (a), includes an inquiry into the conditions of education of backward classes, that is, Muhammadans, in the areas directly under the control of the Government of India like the North-West Frontier Province and Baluchistan, and will the committee suggest and provide special facilities for their education?

Mr. G. S. Bajpai: (a) It is hoped that the Committee will start work early in the new financial year. It will tour in the North-West Frontier Province, Ajmer-Merwara and Delhi.

(b) A statement giving the information asked for in the first part of the question is laid on the table. It is true that, in Baluchistan and the North-West Frontier Province, Muhammadans preponderate; in the other areas mentioned by the Honourable Member non-Muslims form the majority.

(c) As the Honourable Member is probably aware, a five-year programme was introduced in 1927-28 for the expansion of education in the territories directly administered by the Government of India. The total additional expenditure provided in this programme for Baluchistan and the North-West Frontier Province amounts to Rs. 18,57,380 non-recurring and Rs. 1,87,986 in the first year rising to Rs. 5,15,468 in the fifth year recurring, as compared with Rs. 8,41,851 and Rs. 1,52,038 rising to Rs. 4,37,238 recurring for the other areas mentioned by the Honourable Member. As the population of Baluchistan and the North-West Frontier Province is largely Muhammadan, it is hoped that the five-year programme will benefit Muhammadans materially.

(d) The Committee will inquire into the conditions of primary education of all classes of the population in the three areas mentioned in (a) above and will make recommendations. Baluchistan is to be excluded from the scope of the proposed inquiry because of the nomadic character of its population.

Comparative statement showing the percentage of literacy in certain administered areas.

Area.	Male.	Female.	Total (males and females).
Baluchistan	10.9	1.5	7.2
North-West Frontier Province	6.3	0.9	3.9
Bangalore	35.7	14.8	25.6
Coorg	18.9	5.0	12.6
Delhi	16.1	3.4	10.7
Ajmer-Merwara	16.6	2.3	10.0

REPORTED REDISTRIBUTION OF PROVINCES RECOMMENDED IN A MEMORANDUM OF THE GOVERNMENT OF INDIA TO THE SIMON COMMISSION.

1274. *Mr. Gaya Prasad Singh: (a) Has the attention of Government been drawn to a report published in the *Hindustan Times*, dated the 14th March, 1929, regarding the memorandum of the Government of India before the Simon Commission?

(b) Is the outline of the policy regarding the redistribution of provinces mentioned in the Report substantially correct?

(c) Will Government be pleased to lay a copy of the memorandum on the table?

The Honourable Mr. J. Orerar: (a) Yes.

(b) and (c). A copy of the introductory note on claims which have been made to redistributions of provincial territories on a racial or linguistic basis supplied to the Indian Statutory Commission by the Government of India has been placed in the Library, and the Honourable Member will be able to acquaint himself at first-hand with its contents.

HIGH TELEPHONE CHARGES IN CALCUTTA.

1275. *Mr. K. O. Neogy: (a) Have Government received any complaint regarding telephone charges in Calcutta? If so, do Government propose to take any action to bring about a reduction?

(b) Are Government aware that the telephone charges in Calcutta are higher than those in London?

(c) Are Government aware that, since the introduction of the message rate system, some business houses are paying as much as Rs. 1,000 per line per annum?

(d) Did the Bombay Telephone Company at any time propose the introduction of the message rate system in Bombay? Was this proposal turned down by the Government of India? If so, why?

(e) Are Government aware that the Bengal Telephone Corporation is virtually paying 22½ per cent. dividend on its original ordinary capital, after setting aside a good sum for depreciation, reserve fund and a sinking fund for its debenture loan?

(f) Are Government prepared to consider the advisability of taking over the concern as soon as the present agreement with the Company expires?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. The matter has been carefully considered by the Government of Bengal, by whom it has been explained to the Telephone Subscribers' League, Calcutta, that no compulsory reduction of the charges levied by the Bengal Telephone Corporation, Limited, is feasible. The Government of India do not propose at present to take any action in the matter.

(b) Yes.

(c) Government are not in possession of particulars of individual bills the amounts of which depend on the use made of the service.

(d) Yes. The charges proposed by the Bombay Telephone Company were not introduced. The proposal was examined by a Committee appointed to investigate the matter, and it was found that there was no agreement between the commercial community of Bombay, the Bombay Telephone Company and the Government of Bombay. A modified scale of charges suggested by the Chairman of the Committee, with the concurrence of the other official members, was not acceptable to the Bombay Telephone Company, and the Government of Bombay decided that the proposal of the Company should, for the present, remain in abeyance. The Government of India endorsed this decision.

(e) An examination of the latest balance sheet of the Bengal Telephone Corporation, Limited, by the Government of Bengal, shows that the dividends paid by the Company have not exceeded 7½ per cent. in any year between 1922-23 and 1926-27.

(f) Government are unable to make any statement on the subject at this stage.

Lieut.-Colonel H. A. J. Gidney: Is the Honourable Member aware of the fact that there is universal discontent in Calcutta, at the exorbitant rates charged by the Bengal Telephone Company, and that the residents of Calcutta and other places are at times most exorbitantly and unfairly taxed for their telephones?

The Honourable Sir Bhupendra Nath Mitra: Apparently there is some grievance on the subject; that is the reason why the Telephone Subscribers' League addressed the Bengal Government in the matter.

Mr. K. C. Neogy: With reference to the answer to clause (e) of my question, will the Honourable Member kindly examine the balance sheet himself?

The Honourable Sir Bhupendra Nath Mitra: I shall try to do so, Sir. But I can only act on the information disclosed by the balance sheet, and not on any inside information which may be in the possession of my Honourable friend.

Mr. K. C. Neogy: Will the Honourable Member kindly make inquiries and find out whether it is not a fact that bonus share scrips have actually been distributed to the original share-holders without any payment, with the result that the dividend works out at a less figure than it actually is?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member apparently possesses more information than I have been able to get so far.

NUMBER OF INDIANS HOLDING TEMPORARY COMMISSIONS IN THE INDIAN MEDICAL SERVICE.

1276. ***Mr. K. C. Neogy:** (a) What is the present number of officers holding temporary commissions in the Indian Medical Service, and what proportion do they constitute of the total number of officers in the Indian Medical Service working in the Army? How many of these temporary officers are Indians?

(b) For how many years has this temporary cadre been in existence and how long is it likely to continue?

(c) What are the terms and conditions on which these temporary officers are employed, and how do these terms and conditions differ from those governing the employment of permanent officers, and officers who are recruited in England on special short term contracts for the Indian Medical Service?

(d) Is any maximum period fixed for the employment of temporary officers in the Indian Medical Service? If so, what, and for what reasons?

(e) Do these temporary officers get any gratuity or bonus or provident fund benefits when they have served the maximum period permissible and are discharged? If not, why not?

(f) What bonus or gratuity or provident fund benefits are permanent officers and British short term officers in the Indian Medical Service entitled to on retirement after serving for short periods? When were these gratuity benefits extended to permanent officers in the Indian Medical Service, and for what reasons?

Mr. G. M. Young: (a) 116 or roughly 30 per cent. All are Indians.

(b) Since October 1914. It is likely to continue until the full strength of permanent officers has been recruited.

(c), (d), (e) and (f). The Honourable Member is referred to the answer which I gave on the 2nd September, 1927, to Diwan Chaman Lal's question No. 806 and to supplementary questions. Also to Mr. Gaya Prasad Singh's unstarred question No. 108, dated the 16th February, 1928. I should, however, repeat that there are no special contract terms granted to British candidates for the Indian Medical Service, but all officers, whether British or Indian, appointed permanently to the Indian Medical Service have the option of retiring on gratuity after 6 or 12 years' service instead of serving on for pension.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether he is prepared to apply the same terms of service and bonus to Indian temporary I. M. S. officers? To explain myself better, will the Honourable Member consider favourably the suggestion that Indian temporary I. M. S. officers be allowed the option of continuing their service or getting a bonus at the end of six years' service, instead of terminating their service after five years or so?

Mr. G. M. Young: I do not think I have altogether followed that proposal. Temporary I. M. S. officers serve on yearly contracts, which are renewed from year to year. There is no question of their services being terminated, as these permanent officers' services can be terminated, at their option on a gratuity.

Lieut.-Colonel H. A. J. Gidney: With reference to that answer, Sir, and considering the fact that the temporary I. M. S. has been in existence for fifteen years, and also the fact that permanent I. M. S. officers come on a six years' contract, will the Government consider recruiting temporary I. M. S. officers not on yearly contracts, renewable from year to year, but on similar terms of six years' service?

Mr. G. M. Young: Government do not propose to do so, Sir, for the simple reason that these temporary officers do not possess the same high qualifications as officers recruited to the permanent service.

Lieut.-Colonel H. A. J. Gidney: Do these temporary officers do the same professional services as those of the permanent service? And do their annual confidential reports convey the impression that they do their work as efficiently? If so, will the Government re-consider their refusal of equal treatment.

Mr. G. M. Young: If the Honourable Member will wait till my answer to the next question, he will get his answer.

QUALIFICATIONS FOR PROMOTION TO PERMANENT COMMISSIONS OF TEMPORARY INDIAN OFFICERS IN THE INDIAN MEDICAL SERVICE.

1277. ***Mr. K. C. Neogy:** (a) What opportunities have the temporary Indian officers in the Indian Medical Service, for being granted permanent commissions, and what considerations and qualifications determine their selection for permanent commissions?

(b) Do British educational qualifications in these temporary officers in the Indian Medical Service constitute a preferential claim for being made permanent?

(c) Are the temporary officers in the Indian Medical Service granted any leave for going to England for further study?

(d) Is it a fact that temporary officers of the Indian Army are granted leave very much like regular officers? Are temporary officers in the Indian Medical Service treated differently from temporary officers of the Indian Army? If so, in what respects and for what reasons?

(e) Is it a fact that Indian temporary officers in the Indian Medical Service with Indian educational qualifications, are given command and second in command appointments of military hospitals, and generally discharge their duties in these capacities satisfactorily?

Mr. G. M. Young: (a) Temporary officers are eligible for permanent commissions in the Indian Medical Service if they are within the age limit of 32 and possess the necessary qualifications. For the latter portion of this question and part (b) the Honourable Member is referred to the answer which I gave on the 1st September 1927 to Mr. B. Das's starred question No. 761, and the supplementary question.

(c) No, Sir.

(d) There are no temporary officers of the Indian Army.

(e) The officers referred to occasionally hold charge of smaller hospitals. They have not the seniority to hold charge of the larger ones. I am informed that, on the whole, these temporary officers perform duties which are required of them satisfactorily.

NUMBER OF NON-INDIANS RECRUITED FROM ENGLAND ON SHORT TERM CONTRACTS FOR THE INDIAN MEDICAL SERVICE.

1278. ***Mr. K. C. Neogy:** (a) How many non-Indians have been recruited from England on short term contracts for the Indian Medical Service, up-to-date, and on what terms? What tests do the authorities employ for finding out their competence before appointment?

(b) Are they given regular commissions though they serve for a short period? If so, why?

(c) Are they eligible for re-employment in the Indian Medical Service after completing their period of contract? If so, on what terms? How many have been so re-employed?

(d) How many have been recruited in England as permanent officers in the Indian Medical Service since July 1915, and what tests had they to satisfy as to their competence before such recruitment?

Mr. G. M. Young: (a), (b) and (c). As I have already explained several times in this House, no officer is engaged on a short-term contract, but all officers, European or Indian, now appointed to permanent commissions in the Indian Medical Service, have the option of terminating their service after 6 or 12 years, in which case they receive a gratuity instead of a pension.

(d) The number of permanent officers recruited in England since July 1915 is 199. British officers appointed since 1922 and Indian officers appointed since 1926 have the option of retiring on gratuities. The qualifications and tests required are contained in the memorandum regarding the appointment to and conditions of service in His Majesty's Indian Medical Service. Copies of this memorandum will be placed in the Library.

Lieut.-Colonel H. A. J. Gidney: In view of the difficulty in obtaining permanent I. M. S. officers from England, will the Government consider favourably the desirability of restoring recruiting into the Indian Medical Service by open competition again?

Mr. G. M. Young: Sir, the question of restoring open competition is one which is always before the Government of India.

Lieut.-Colonel H. A. J. Gidney: How long will this continue to remain before the Government of India, Sir, considering that this state of affairs has been going on since 1914?

Mr. G. M. Young: I wish, Sir, I could answer that question.

DIFFERENCE IN RULES FOR DAILY ALLOWANCE OF MEMBERS OF THE COUNCIL OF STATE AND LEGISLATIVE ASSEMBLY.

1279. ***Lieut.-Colonel H. A. J. Gidney:** Will Government be pleased to state why there is a difference in the number of days of residence for which daily allowance is permissible in New Delhi before the commencement of the Session in the case of the Council of State and the Legislative Assembly?

The Honourable Mr. J. Crerar: The difference is due to a self-denying decision reached by the Assembly in 1923.

RECOGNITION OF INSTRUCTION GIVEN IN THE MACLAGAN ENGINEERING COLLEGE, LAHORE, FOR THE PURPOSE OF APPOINTMENTS IN GOVERNMENT SERVICES.

1280. ***Lieut.-Colonel H. A. J. Gidney:** Will Government be pleased to state if the MacLagan Engineering College, Lahore, is recognised by the Government and the Public Service Commission as sufficiently instructive for purposes of electrical and mechanical engineers' appointments in Government services? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: If the Honourable Member is referring to the higher gazetted appointments, the answer is in the negative. The qualification usually required for such appointments is the Associate Membership of the Institution of Engineers (India) and that Institution has not yet recognised the examinations of the MacLagan Engineering College, Lahore, as exempting candidates from the Associate Membership examination.

Lieut.-Colonel H. A. J. Gidney: In view of the fact, Sir, that the College in Lahore is also officered by a very high standard of efficient professors, will Government consider the advisability of raising the standard of instruction so that this institution can produce officers of the type required for these superior services?

The Honourable Sir Bhupendra Nath Mitra: The College itself is not under the control of the Government of India.

Lieut.-Colonel H. A. J. Gidney: I know it is under Provincial Government control; but it supplies candidates for certain Government of India Services. In view of this fact, will Government consider the advisability

of suggesting to the Provincial Government that they should raise its standard so that its students will be recognised for all Government of India Engineering Departments.

The Honourable Sir Bhupendra Nath Mitra: No, Sir. The Government of India see no reason to interfere in the matter.

RECOMMENDATIONS OF THE HARTOG COMMITTEE.

1281. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the Hartog Committee's Report as published in the *Hindustan Times*, dated the 16th March, 1929, has been signed and is ready, and is its forecast substantially correct as published in the *Hindustan Times*?

(b) Is it correct that the Report recommends separate communal reservation of seats in educational institutions, in the separate hostels, and appointment of teachers on a communal basis?

The Honourable Mr. J. Orerar: (a) and (b). Government do not know whether the Report has been signed, and have no knowledge of its contents.

COST OF MILITARY ECCLESIASTICAL ESTABLISHMENTS.

1282. ***Mr. Siddheswar Prasad Sinha:** (a) What is the cost of maintaining the military ecclesiastical establishment in the Military Department?

(b) Is any Pandit, Mullah or religious man kept by the Military Department for the discharge of religious duties of soldiers of any other faith except Christians? If not, why not?

Mr. G. M. Young: (a) The Honourable Member is referred to the answer given by Sir George Rainy on the 28th January to parts (c) and (d) of starred question No. 57.

(b) I would invite the attention of the Honourable Member to the reply which I gave on the 22nd March, 1927, to starred question No. 1108.

PRINCIPLE OF ALLOCATION OF FUNDS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS.

1283. ***Mr. B. Das:** (a) Will Government be pleased to state the principles that govern and guide allocation of funds to Provincial Governments on account of administration of Agency subjects?

(b) Will Government be pleased to state which of the provinces at present administer Agency subjects on behalf of the Central Government?

The Honourable Sir George Schuster: (a) The Honourable Member is referred to rules 47 and 48 of the Devolution Rules.

(b) All the provinces.

EXPENDITURE INCURRED BY THE GOVERNMENT OF BIHAR AND ORISSA ON THE ADMINISTRATION OF CERTAIN AGENCY TRACTS AND NATIVE STATES.

1284. ***Mr. B. Das:** (a) Is it not a fact that the Government of Bihar and Orissa administer Agency tracts such as Angul and Khendmal and the Santal Pargannas on behalf of the Government of India?

(b) Is it not a fact that the Government of Bihar and Orissa administer, through their Secretariat, certain Indian States on behalf of the Political Department of the Central Government?

(c) Will Government be pleased to state the amount of expenditure incurred by the Government of Bihar and Orissa annually on these two heads?

(d) Did the Government of Bihar and Orissa put in their claims for reimbursement of this expenditure up to date at any time?

The Honourable Mr. J. Orerar: (a) No, Sir. The Districts of Angul and the Santhal Parganas are being administered as "backward tracts" under sub-section (2) of section 52A of the Government of India Act, and in this connection I would refer the Honourable Member to the Reforms Office notification No. 4-G., dated the 3rd January, 1921, which is printed at pages 261-263 of the publication entitled "The Government of India Act, with Rules and notifications thereunder."

(b) Yes.

(c) and (d). The revenue and expenditure of the "Backward tracts" referred to in (a) of my reply are provincial, and the question of reimbursement of expenditure to the Government of Bihar and Orissa does not arise.

The expenditure on account of the Political Agents, Orissa Feudatory States, and their establishments, etc., is borne by the Central Government. A provision of Rs. 1,18,000 has been made in the budget estimate for 1929-1930 on this account, *vide* page 791 of the book of Demands for Grants for 1929-1930. The amount debitable to the Central Government for the work done by the provincial establishments on this account is negligible, and the Bihar and Orissa Government have, therefore, not put in any claim on this account.

Diwan Chaman Lall: May I ask, Sir, if the Government have any intention of giving effect to the Resolution passed by this House regarding the administration of the Santhal Parganas?

The Honourable Mr. J. Orerar: Will the Honourable Member be good enough to repeat his question?

Diwan Chaman Lall: Has Government any intention of giving effect to the Resolution passed by this House regarding the administration of Santhal Parganas?

The Honourable Mr. J. Orerar: I do not think that that arises out of this question.

PAYMENT TO PROVINCIAL GOVERNMENTS OF EXPENDITURE INCURRED BY THEM ON BEHALF OF THE GOVERNMENT OF INDIA.

1285. ***Mr. B. Das:** (a) Will Government be pleased to state if they have any existing machinery—something like the Clearing House of the railways—by which the Central Government pay up voluntarily any expenditure incurred by a Provincial Government on their behalf?

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(b) If the reply to part (a) be in the negative, do Government propose to make a beginning in that direction?

The Honourable Sir George Schuster: (a) There is no special machinery such as the Honourable Member appears to have in mind.

(b) Government do not consider that any such special machinery is necessary. Provincial Governments cannot be allowed to incur expenditure on account of the Central Government without the authorisation of the latter, and the existing arrangements for the liquidation of acknowledged liabilities work satisfactorily and have, so far as I am aware, given rise to no complaint.

Sir Darcy Lindsay: Sir, I have received a letter from Mr. Arthur Moore authorising me to put his question No. 1287.

Mr. President: I cannot allow the Honourable Member to put the question unless his turn comes.

PROVISION OF MATERNITY HOMES AND WOMEN'S HOSPITALS IN COAL-FIELDS.

1286. ***Mr. B. Das:** (a) Will Government be pleased to state how many maternity homes and women's hospitals at present exist in the different coalfields in India?

(b) Is it not a fact that one of the decisions of the International Conference of Labour at Geneva was that each national Government should provide hospitals and maternity homes in the coalfield zones for women workers?

(c) Will Government be pleased to state what steps they are taking to compel the Provincial Governments concerned and the employers of women labour to establish such women's hospitals and maternity homes in the different coal zones?

The Honourable Sir Bhupendra Nath Mitra: (a) The information available regarding maternity benefit schemes in the coalfields will be found on pages 8—11 of Bulletin No. 32 of Indian Industries and Labour, a copy of which will be found in the Library of the House.

(b) The answer is in the negative.

(c) The Government of India do not propose to interfere in the matter which is primarily the concern of Local Governments.

PROVISION OF PARACHUTES FOR THE ROYAL AIR FORCE IN INDIA.

1287. ***Sir Darcy Lindsay** (on behalf of Mr. Arthur Moore): Are Government aware that:

(a) It is an order in the Royal Air Force that no pilot shall go up without a parachute?

(b) That parachutes are not ordinarily provided for the Royal Air Force whilst serving in India?

Mr. G. M. Young: (a) The order referred to by the Honourable Member is as follows:

"All occupants of aircraft in which facility is afforded for the use of parachutes will wear them at all times when flying".

(b) Four squadrons are equipped with aeroplanes which carry parachutes and four are not. These squadrons are, however, being re-equipped with modern aircraft designed to provide accommodation for parachutes.

PAYMENT OF TRAVELLING ALLOWANCE AND HOUSE-RENT TO THE CLERICAL STAFF OF THE MEERUT DISTRICT MILITARY HEADQUARTERS.

1288. ***Mr. B. Das:** (a) Is it a fact that the clerical staff of the Meerut District Military Headquarters and other military offices is taken to Ranikhet every year by a special military tour train? If so, does this not contravene the Civil Service Regulations on that point? Is not travelling allowance allowed to the clerical staff for the journey?

(b) What accommodation have Government made for the lodging of the Indian clerical staff at Ranikhet? Has this staff to shift for itself for lodging accommodation on the hill? Do Government give this staff any special or hill allowance to enable them to cover the extra expenditure incurred in their sojourn at Ranikhet?

(c) Is it a fact that Ranikhet, being a hill station, is a more costly place than Meerut? Is it not a fact that, at Ranikhet, temporary lodgers like this clerical staff have to pay house-rent for the whole year? Is it not a fact that it is an extra burden on them to pay rent for the whole year at Ranikhet as well as Meerut?

Mr. G. M. Young: (a) As a measure of economy I understand that the clerical staff was sent part of the way by troop train last year. For the rest of the journey they drew the ordinary travelling allowance. This does not contravene any rule in the Civil Service Regulations.

(b) Government provide no accommodation for the clerks in question either at Meerut or Ranikhet, nor are any hill allowances admissible under rule.

(c) Any hill station is more expensive than a plain station and the rents charged during the hot weather are generally assessed on the value of the house for the full year. Such disadvantages are, however, balanced by the amenities of a hill station. The personnel in question were presumably aware of the conditions before they accepted their appointments.

APPROXIMATE AGES OF COWS AND BULLS SLAUGHTERED FOR MILITARY FOOD.

1289. ***Mr. Siddheswar Prasad Sinha:** (a) With reference to the speech delivered by H. E. the Commander-in-Chief in the Council of State on the 25th February last, will Government be pleased to state what is meant by "Not a milch cow"? Is it a dry cow or a barren cow?

(b) Are Government aware that, in big cities like Calcutta, Bombay, etc., cows, though capable of bearing calves, are sold very cheap when dry?

(c) How do Government vouchsafe that the class of cows mentioned in part (b) are not slaughtered for supply of beef to the Commissariat?

(d) Will Government be pleased to state the approximate age of cows and bulls slaughtered for military food in any one year?

Mr. G. M. Young: (a) The term "milch cow" strictly means only a cow which is in calf or has young at heel. But the point of argument in the speech referred to by the Honourable Member is that practically no cows,

capable of bearing calves and giving milk, are tendered for slaughter in military butcheries for the simple reason that such cows are, as a rule, too valuable to be sold for beef.

(b) No, Sir.

(c) Government cannot absolutely prevent the slaughter of such cows, as the officers who buy for the slaughter house cannot test the cows for barrenness. But the number of such cows sold at the butcheries must be very small.

(d) The information is not available, but no bulls whatever are slaughtered. Cows are purchased approximately between the ages of 3 and 9 years.

OPINION OF MEDICAL AUTHORITIES ON THE SUITABILITY OF BEEF AS
FOOD FOR TROOPS.

1290. *Mr. Siddheswar Prasad Sinha: With regard to the statement of H. E. the Commander-in-Chief that "Not only is it essential food but is the food which the medical authorities have decided is the most suitable to him" will Government be pleased to lay on the table of the House the opinions referred to?

Mr. G. M. Young: The answer is in the negative. It is however a fact that the medical authorities of the Army consider beef an essential diet for the British soldier. This opinion is based partly upon experience and partly on tests carried out at the Military Food Laboratory, Kasauli, where beef has been shown on analysis to have a higher nutritive value than mutton.

COST WHICH WOULD BE INCURRED BY IMPORTING FULL REQUIREMENTS OF
BEEF FOR MILITARY PURPOSES.

1291. *Mr. Siddheswar Prasad Sinha: (a) If all the requirements of beef are met from imported beef, will Government be pleased to state the initial and recurring cost of cold storage plants that would be required to preserve it?

(b) What would be the total difference in cost between imported beef and country beef?

(c) How is imported beef preserved at present?

(d) Will Government be pleased to place Lord Rawlinson's scheme for importing beef from Australia in the Library of the House?

Mr. G. M. Young: (a) The extra cost of establishing cold storage warehouses at the ports and in every cantonment in which there are British troops, together with the cost of special refrigerator railway cars has not been worked out. It would, however, obviously be prohibitive.

(b) The Honourable Member is referred to the answer I gave on the 19th March to his starred question No. 1135.

(c) The only beef imported at present is a small quantity of tinned beef.

(d) Lord Rawlinson, so far as I am aware, had no such scheme.

SHORT NOTICE QUESTION AND ANSWER.

DEMOLITION OF A TEMPLE AT SARADHNA ROAD ON THE NORTH WESTERN
RAILWAY.

Mr. Mukhtar Singh: (a) Is it a fact that there is a Hindu temple which has been in existence for a very long time at Saradhna Road (Danrara), Meerut District, on the North Western Railway?

(b) Is it a fact that the Railway has decided to demolish this temple, but on account of the interference of the District Magistrate, the demolition was stopped and the matter was referred to the Railway authorities?

(c) Is it a fact that the Railway authorities have again decided that the temple be demolished?

(d) Is it a fact that, in accordance with the recent orders, the temple is going to be demolished very soon?

(e) Is it a fact that the Hindus of Saradhna Road and of the adjoining villages are very much perturbed, and there is a likelihood of a breach of the peace on account of these orders?

The Honourable Sir George Rainy: (a) No; but it appears there is a praying platform about eighteen inches high, which appears to have been built since 1919.

(b) If the Honourable Member refers to this platform, the answer is in the affirmative.

(c) and (d). I understand no final decision has been arrived at.

(e) Government have no information, but in view of the explanation given above, this seems unlikely.

Mr. Mukhtar Singh: Is it a fact, Sir, that there was an inquiry made some 20 years back, and it was found that the temple existed there long before and it was accordingly decided not to demolish it?

The Honourable Sir George Rainy: No, Sir; it is not a temple. It is only a praying platform, and our information is that it has been erected there since 1919.

Mr. Mukhtar Singh: Is it a fact that the Government made an inquiry some 20 years back and it was found that the temple had remained there for a very long time?

The Honourable Sir George Rainy: That, Sir, is not in accordance with my information.

Mr. Mukhtar Singh: Is it a fact that the map kept in the office of the Railway shows this to be a temple and it has always been shown as such in the map prepared under the direct authority of the Railway?

The Honourable Sir George Rainy: I have no information which would confirm that, Sir.

Mr. Mukhtar Singh: Will the Honourable Member kindly inquire into the matter and see whether the map shows it as a temple?

The Honourable Sir George Rainy: The information I have received is at variance with the information which the Honourable Member has, but I will certainly make inquiries and see if there is any possibility of a mistake.

UNSTARRED QUESTIONS AND ANSWERS.

RULES FOR RESIDENCE IN CONNECTION WITH THE GRANT OF LAND IN CANAL COLONIES TO EX-MILITARY MEN.

373. Mr. Abdul Haye: (a) Are Government aware that soldiers and ex-military men who have been granted land in the canal colonies of the Punjab are required to reside permanently in the *chak* in which land is allotted to them?

(b) Are Government aware that this condition is being insisted upon very strictly to the great hardship and inconvenience of the military grantees who have also interests and commitments elsewhere?

(c) Were the Government of India and the military authorities consulted in this matter and was this condition imposed after their approval and concurrence?

(d) Is it a fact that the land usually allotted to a grantee is either one square or half of a square only? In the case of such small grants why is the condition about permanent residence imposed and insisted upon?

Mr. G. M. Young: (a) Ex-soldiers are required to reside permanently on their grants, but soldiers who are still serving are, of course, not required to do so.

(b) The condition was accepted by the grantees before they were given the land, and Government see no reason why it should cause hardship, or why it should not be enforced. No grantee is obliged to retain possession on conditions that he does not like, and I can assure the Honourable Member that there are plenty of men who would be willing to accept land on any conditions.

(c) Yes.

(d) Indian officers were allotted $1\frac{1}{2}$ squares, and other ranks 1 square. The condition of residence was imposed by the Local Government in the interests of colonization, and was accepted by the Government of India for the same reason.

GRIEVANCES OF THIRD CLASS RAILWAY PASSENGERS.

374. Mr. Jamnadas M. Mehta: (a) Is it a fact that the Railway Board invited the opinion of the Great Indian Peninsula Railway Administration on the subject of removing the grievances of the third class passengers?

(b) Is it true that the Chief Traffic Manager of the Railway, before dealing with the subject, had invited Mr. Jivraj G. Nensey and Khan Bahadur P. E. Ghamat, Honorary Joint Secretaries of the Passengers' and Traffic Relief Association, Bombay, to offer suggestions in the matter?

(c) Will Government be pleased to state whether those recommendations have been received by them, and, if so, what action do the Railway Board propose to take and, when?

(d) Have the Railway Board likewise called for suggestions from other Railway Administrations, and Local Advisory Committees thereof? If so, will Government be pleased to name them, and state how far their recommendations could be met?

(e) Will Government be pleased to state whether the views of the Passengers' Associations in Bombay, Belgaum, Calcutta and Madras were called for by the Railway Board? If not, why not?

Mr. P. R. Rau: I would refer the Honourable Member to the reply given to an identical starred question No. 1081 put by my Honourable friend, Mr. Birla, on the 18th March, 1929.

INTRODUCTION OF A BILL FOR THE PROTECTION OF THE PLYWOOD INDUSTRY.

375. Mr. T. A. Chalmers: (a) Do Government propose to proceed with the Plywood Industry (Protection) Bill during the life of this Assembly?

(b) If so, will Government publish or lay on the table a copy of the Evidence Volume referred to on pages 25 and 28 of the Tariff Board Report on this subject?

The Honourable Sir George Rainy: (a) Before proceeding further with the Bill, Government considered it desirable to investigate fully the question whether it was possible to give the assistance required for the manufacture of plywood tea chests in India without imposing an additional burden on the tea industry. It was found that certain practical difficulties would have to be faced, but these, it is hoped, can be overcome. Government will address the Indian Tea Association on the subject at an early date, and their final decision will depend on the answer they receive.

(d) The Evidence Volume was published on the 5th September, 1928, and copies were, as usual, placed at the time in the Council Library.

REFUND BY RAILWAY AUTHORITIES OF THE SURCHARGE TAX LEVIED ON COTTON SEED AND OIL-CAKE.

376. Pandit Thakur Das Bhargava: (a) Is it a fact that some merchants of Southern India sued the South Indian Railway and the Secretary of State for India for refund of surcharge tax levied on cotton seed in Sattur Court and got a decree in September, 1923?

(b) Is it a fact that after that decree was passed, many merchants filed suits and the Railway Board, applying Article 96 of the Indian Limitation Act, ordered refunds without contesting these cases (for reference please see letter No. 877, dated 20th June, 1925)?

(c) Is it a fact that the Government of India ordered the Great Indian Peninsula Railway also in 1926 to refund monies illegally received as surcharge tax on cotton seed and oilcake intended to be used as fodder, and several lakhs of rupees were refunded even in 1927 and the Article of the Limitation Act even then applied was 96?

(d) Is it a fact that the Government of India also instructed the North-Western Railway authorities to refund the surcharge-tax illegally levied on cotton seed and oilcake intended to be used as fodder in 1926, and also went to the length of arranging inquiries from merchants and providing establishment for purposes of making such refund?

(e) Is it a fact that subsequent to this Government were legally advised to resist such cases on the score of limitation and the Railway administration practically refused to refund monies illegally levied, under the cover of the plea of limitation?

(f) Is it a fact that there was a conflict of opinion between the legal advisers, one set insisting that Article 96 applied, and the other maintaining that Article 2 applied?

Mr. P. R. Rau: (a) and (b). Yes.

(c) and (d). It is a fact that the Great Indian Peninsula and North Western Railways refunded considerable amounts on account of certain surcharge taxes, taking special steps to make inquiries from merchants.

(e) Subsequently Government were legally advised to resist all claims for a refund of these surcharge taxes.

(f) Yes. The Madras High Court have, however, since ruled, in the case of *A. M. Appavoo Chettiar vs. the South Indian Railway*, that the plaintiff is not entitled to a refund of the surcharge taxes collected.

REFUND BY THE RAILWAYS OF THE SURCHARGE TAX LEVIED ON COTTON SEED AND OIL-CAKE USED AS FODDER.

377. Pandit Thakur Das Bhargava: (a) Is it a fact that claims to the extent of more than 15 lakhs were preferred to the Bombay, Baroda and Central India Railway, North Western Railway, Jodhpur Railway, Bikaner Railway, and the Saharanpur-Shahadra Railway administrations by the Punjab merchants and merchants of other places?

(b) Is it a fact that the Saharanpur-Shahadra Railway and the Jodhpur Railway authorities inspected the account books of the merchants in 1927, sent them railway passes to come forward to prove their claims and wrote as late as 1928 also to the merchants that they were waiting for results of test cases against the North-Western Railway?

(c) Have any test cases been brought by merchants and has any ultimate decision been given by any High Court on the point of limitation involved?

(d) Have Government arrived at any final decision regarding the monies which Government said were retained by them in reply to Question No. 742 asked in the Assembly on the 7th March, 1927, by Sardar Kartar Singh?

(e) Are Government aware that a great feeling of discontent and uneasiness exists in the public mind on account of Government not refunding the money (illegally recovered) under the plea of limitation?

(f) Is it a fact that at the time the surcharge tax was levied, the Railway Board did not define fodder as including oilcake and cotton seed and merchants could not know if such commodities were included in the word 'fodder' and this mistake was not discovered by the merchants before 1927?

(g) Is it a fact that the practice of Government in such cases has been one of leniency and fair-dealing and Government have compromised suits when the plea of limitation was open to them and even now the instructions to certain Railways in such matters are based on the consideration that limitation plea, though available, should not be availed of by Government and public bodies to defeat just claims?

(h) Do Government propose to apply the above-mentioned principle to the case for refund of surcharge tax?

Mr. P. R. Rau: (a) Claims were received by these Railways, but Government are not aware of the exact amount.

(b) Government have no information.

(c) Yes. The Madras High Court decided, in the case of *A. M. Appavoo Chettiar vs. the South Indian Railway*, that the plaintiff was not entitled to a refund of the surcharge taxes collected.

(d) Government have decided to make no refunds of the surcharge taxes collected.

(e) Government are not aware of any feeling of discontent or uneasiness in the public mind on account of the refunds not having been made.

(f) At the time the surtax was levied, railways advertised which commodities came under the head of fodder, and these did not include oilcake and cotton seed.

(g) The practice of Government in such cases depends upon the facts, and each case is considered independently.

(h) Government propose to act in these cases according to the latest decision given in the Madras High Court.

PUBLICATION OF INFORMATION SUPPLIED TO MEMBERS IN FULFILMENT OF PROMISES MADE IN REPLY TO QUESTIONS IN THE ASSEMBLY.

378. Pandit Thakur Das Bhargava: (a) Are the replies promised to be given by Government members to the questions of the Members of the Assembly supplied to all the Members or only to the Member putting the question?

(b) Are such replies made available to the public at large by publication by way of appendix or addenda to the Assembly Debates?

(c) If the answer be in the negative, do Government propose to take steps to publish the replies and the information subsequently supplied to the Member putting the question?

The Honourable Mr. J. Crerar: (a) If replies are promised to individual Members, they are supplied to such Members only.

(b) and (c). The reply is in the negative.

PROVISION OF LATRINES IN SERVANTS' COMPARTMENTS ON STATE RAILWAYS.

379. Pandit Thakur Das Bhargava: (a) Are Government aware of the great inconvenience caused to the servants, specially maid servants of the 1st and 2nd class travellers on all the railway lines on account of the absence of latrines in the servants' compartments?

(b) Do Government propose to provide such latrines?

Mr. P. R. Rau: (a) and (b). Government are aware of the inconvenience, and steps to mitigate it are under consideration.

(f) I understand the number of literate apprentices at present undergoing training in the Moghalpura workshops is 243, of whom 209 are Indians and 34 Europeans and Anglo-Indians.

SALE OF ELECTRIC POWER BY THE GOVERNMENT OF INDIA TO THE DELHI LIGHTING AND TRACTION COMPANY.

386. **Pandit Thakur Das Bhargava:** (a) Has any agreement been entered into between the Delhi Lighting and Traction Co. Ltd., Delhi, and the Government of India for the purchase of electric power by the former from the latter? If so, will Government be pleased to lay the agreement or a copy of it on the table?

(b) Is it a fact that the Delhi Joint Water Board purchases electricity for its use from the said Delhi Lighting and Traction Co. Ltd., Delhi?

(c) Will Government be pleased to state the rate per unit at which it has sold electric power to the said Company and the rate at which the said Company supplies electricity to the Delhi Joint Water Board?

(d) Is it a fact that the Municipality of Delhi purchases its supply of electric power from the said Company at a rate about six times the rate at which Government have agreed to supply the said Company with electric power?

(e) Will Government be pleased to state:

(i) who are the Directors of the said Company;

(ii) what amount of capital of that Company is non-Indian?

The Honourable Sir Bhupendra Nath Mitra: (a) An Agreement has been entered into between the Delhi Electric Supply and Traction Company Limited (as it is now designated) and the Government. A copy of the Agreement is laid on the table.

(b) Yes, for works within the licensed area of the Delhi Electric Supply and Traction Company Limited.

(c) The price charged by Government for the bulk supply of electricity to the Company is given in clause (2) of the Agreement. It will be observed that it does not consist of a flat rate per unit, but is based upon the compound system, usually adopted for bulk supplies in all electricity undertakings, of an annual charge on the maximum demand to cover capital charges on the power station, together with a component at a rate per unit to cover running charges. Provision is also made for a minimum annual charge as for 1 million Board of Trade units and 300 kilowatts of maximum demand, even though the actual consumption may be less than these figures. The electricity is delivered to the Company at the bus bars at the Government Power Station, and the Company is responsible for all expenditure connected with the transmission, conversion and distribution of the current.

It is understood that the Company charges to the Delhi Joint Water Board its ordinary rates to the public for current for lights and fans, while the power supplied for an electric motor is charged at three annas per unit, subject to a discount, which at present works out to about 15 per cent., taken on the annual consumption.

(d) The answer is in the negative. It is understood that the Company charges the Municipality the ordinary rates for current for lights and fans and 2½ annas per unit for the current for street lighting. It is believed that the last-mentioned charge covers, not only the maintenance of the lines, but also the ordinary replacement of the street lamps.

(e) (i) According to the Company's balance sheet for the year 1927-28, the Directors are:

Mr. A. W. Tait, C.B.E., Chairman.

Mr. R. Carrol Pearman, Deputy Chairman.

Colonel Sir Buchanan Scott, K.C.I.E.

Mr. A. W. R. Lovering.

(ii) Government have no information.

Copy of an Agreement entered into between the Delhi Electric Supply and Traction Co., Ltd., and the Government.

THIS AGREEMENT is made the _____ day of _____ one thousand nine hundred and twenty _____ BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter referred to as the supplier or the Government which expression shall include his and their successors and assigns where the context so admits) of the one part and the DELHI ELECTRIC TRAMWAYS AND LIGHTING COMPANY LIMITED a Company registered under the British Companies Acts, 1862 to 1900 and having its registered office at Basildon House of Moorgate, London, (hereinafter referred to as the Company) of the other part.

WHEREAS the supplier has agreed to supply to the Company and the Company has agreed to take from the supplier electric energy in bulk for the period and upon the terms and conditions hereinafter mentioned, NOW IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

Nature of Supply.

1. The Supplier shall supply and the Company shall take from four months from the signing hereof during the continuance of this agreement and subject to the provision thereof a supply of electric energy in Bulk up to but not exceeding excepting with the express permission of the supplier 600 Kilo-Watts in maximum demand at the Government Power Station Bus Bars, Delhi. The supply shall be three phase alternating current, 50 periods 6,600 volts between phases.

Charge for energy.

2. The Company shall pay to the supplier at the following rates:

0·8 annas per 1 Board of Trade unit for the total units supplied per annum plus an annual charge of Rs. 75 per Kilo-Watt of actual maximum demand during the year calculated according to the provisions of clauses 4 and 5 hereof PROVIDED ALWAYS that payments shall be made at the price aforesaid and at the rate of not less than 1,000,000 Board of Trade units in twelve months in respect of units and for not less than 300 Kilo-watts of maximum demand in respect of the additional charge based on the maximum demand even if less than that quantity is supplied. In order to enable the payments to be made monthly the Company shall, within 15 days of the presentation of accounts each month, pay to the suppliers as follows:—

0·8 annas per unit for the total units supplied during the previous month plus a fixed amount of Rs. $\frac{75 \times 300}{12}$ = Rs. 1,875 in respect of the additional charge for the maximum demand. Any adjustment as regards the minimum payment to be made for the whole year shall be made during the first week of February in every year.

Revision of cost of account of new large consumer in Government area of supply.

12. If the Supplier gives a supply of over 2,50,000 B. O. T. units a year to any other individual or corporate body within his area of supply and his total generating costs per unit are thereby reduced, then the charge of 0.8 annas per unit made to the Company shall be reduced by an amount equal to 90 per cent. of the reduction effected in the average generating cost per unit as a result of the supply to such consumer. **PROVIDED ALWAYS** that accounts settled shall not be reopened by reason of this provision.

Additional Bulk Supply by Government.

13. During the period of this agreement the Supplier shall not except with the consent of the Company give or sell or arrange to sell any electric energy to any other party than the Company under such conditions as shall enable the said other party receiving for use or re-sale the energy so supplied or any portion thereof within the Company's area of supply at a cheaper rate than that at which the Company supplies for similar purposes without giving the Company previous notice of at least one month in writing of the Supplier's intention to do so. Should the supplier give such notice then at any time after receipt of such notice or should the supplier give or sell or arrange to give or sell without such notice than at any time after the Company has notice of the said giving or selling or of the said intention to give or sell the Company may determine this agreement by 18 months' notice to the Supplier and in such event may at their option require the Supplier to take over such of their wires, cables, lines, poles, equipments and all such things and works as the Company may have reasonably provided and the Supplier sanctioned in writing in order to receive the energy taken from the Supplier under this agreement at a price to be fixed on the basis of the original cost of the said cables, poles, equipments and works minus such depreciation as may be mutually calculated or failing that fixed by the Arbitrator up to the date when the determination of this agreement takes effect but the Company shall be entitled to no other compensation on account of such determination.

Supplier not to compete in Company's area.

14. During the period of this agreement the Supplier shall not except with the express written consent of the Company give a supply to any Government or other buildings within the Company's area of supply without giving previous notice of at least one month in writing of his intention to do so. Should the Supplier give such notice then at any time after the expiration of the said notice and should the Supplier give such a supply without notice, then at any time after the date on which the Company receives notice or information of the said giving the Company may determine this agreement by 18 months' notice and may at their option require the Supplier to take over such of their wires, cables, lines, poles, equipments and all such things and works as the Company may have reasonably provided in order to receive the energy taken from the Supplier under this agreement at a price to be fixed on the basis of the original cost of the said cables, poles, equipments and works minus depreciation up to the date when the determination of this contract takes effect but the Company shall not be entitled to any other compensation on account of such determination of this agreement.

Definition of Company's Area.

15. The "Company's area of Supply" as referred to in this agreement shall be taken to be the area at present administered by the Delhi Municipal and Notified Area Committee to the North of the red line shown on the map attached hereto and signed by the parties. This excludes the Cantonment Area and the Fort.

Lines, etc., to be handed over by Government.

16. In consideration of the premises the Company agrees to supply and the Supplier agrees to take at the applicable rate specified in Schedule A hereto, all energy required by the Government in the Government buildings in the Notified Area as set forth in Schedule B and now supplied by the Government and the Company agrees to supply all energy required by other persons in the said area. **PROVIDED ALWAYS** that Government shall only be responsible for supplies numbered I and II in the said Schedule B as recorded by a correct meter. The Government will on or before

the commencement of supply by the Company to the Government under this agreement hand over to the Company at the rates in Schedule C hereto such portions of its Distributing Mains, Service Lines and Equipment in the Notified Area as may be required by the Company for the purpose of giving supply to the Buildings as set forth in Schedule B. The price of such mains and of the first 100 ft. of all service lines plus interest at the rate of 5 per cent. per annum from the commencement of supply under this agreement on the amount for the time being unpaid will be paid by the Company to the Supplier in twenty-two equal six-monthly instalments, the first instalment being paid within seven days of the commencement of supply hereunder. The Supplier reserves the right to require the Company at any time to alter the position of the said distributing mains and services, and nothing herein contained shall give the Company any ownership or other right over the land on which the wires and equipment are or may be fixed other than the rights or access which pertain to them as Licensees under the Indian Electricity Acts.

Street Lighting Supply.

17. Simultaneously with the signing of this agreement the Company shall enter into an agreement with the Notified Area Committee for the supply of energy for street lighting at 3 annas a Unit.

Monthly Bills for Energy supplied by the Company.

18. For all energy supplied to Government servants premises and to buildings supplied with electric energy by the Company and for which Government has to pay in compliance with clause 16 hereof the Company shall prepare and present monthly bills at the proper rates according to Schedule A hereof. If any increase is made by the Supplier in charges to Government servants and Buildings in the New City Area, the Company will or after due notice make a corresponding increase in their rates for consumers shown in the attached Schedule B. The additional revenue so recovered by the Company will be credited to Government.

Adjustment and Payment of Current Accounts.

19. The total amount of all bills referred to in clause 18 above which are payable by Government shall be set off *pro tanto* against the total amount of all bills submitted by the Supplier to the Company under clause 2 hereof subject to a quarterly adjustment being made and calculated as follows:—

The supplier shall be debited only with an amount represented by the total number of units included in the said bills for the quarter under review calculated (subject to clause 20 hereof) according to the rate specified in schedule A hereto plus meter rents at the rate of Re. 1 per mensem per D. C. meter and annas 8 per mensem per A. C. meter supplied and the difference between the total so arrived at and the totals of bills submitted under clause 2 hereof during that quarter shall be paid by the party from whom such amount is shown to be due, within one month of a bill for the said difference being received by that party, provided however, that if any of the monthly bills as referred to in clause 18 above shall have been paid and settled with the Company the amount of such payments received by the Company for energy supplied shall be credited in full to the supplier. A further annual adjustment shall be made on the same basis in the month of February each year, and at the annual adjustment the supplier shall be debited with all amounts due for energy supplied under clause 16 above, at the proper schedule rate for the total consumption.

Revision of Company's Charges.

20. If any alteration in the charge of 0.8 annas per unit to the Company is made under the provisions hereinbefore contained the same alterations shall from such date be made by the Company in the charges to the supplier.

Payment of Account.

21. Each party shall effect settlement of any balance due from them to the other party as shown by the said quarterly and annual adjustments of accounts within one month of any such adjustment. Failing such settlement interest at the rate of 6 per cent. per annum shall be payable by the defaulting party to the other party from the date the amount should have been paid.

Security Deposit.

22. The Company shall deposit Government securities to the value of rupees 3,000 as security for the payment of the amount due by them to the supplier for energy supplied. In the event of any amount exceeding the sum of Rs. 3,000 being due by the Company to the Supplier exceeding 1 month from date of presentation of the bill interest at 5 per cent. will be paid and if for a period exceeding three months the supply of energy will be liable to be cut off without notice and without compensation on the expiry of such three months till such time as the amount due is paid or the Supplier may terminate the agreement on account of such breach without payment of any compensation.

Sub-station Site.

23. The Supplier will provide the site shown on the attached plan and measuring sq. yds. on which the Company may erect a Sub-Station, of a design approved by Government and this site shall be leased to the Company at a rental of Re. 1 per annum.

Supply to be subject to God, etc.

24. The Supplier undertakes that the supply of energy shall be available continuously up to the output herein specified and agreed PROVIDED ALWAYS that in the event of the Supplier's generating plant being put out of action altogether owing to an Act of God, rebellion, riot or by any cause beyond the control of the Supplier this agreement shall be in abeyance until the damage is rectified but if the plant is only damaged to such an extent that the Supplier's remaining plant available for use is insufficient to meet the total normal demands of the Company for the time being then the maximum supply of 600-K.-W. available for the Company shall be reduced but not in greater proportion than the reduction effected in the supply capacity of the Supplier's plant. If the Company is refused supply for the reasons aforesaid the minimum referred to in clause 2 hereof shall be reduced proportionately.

Facilities for inspection of Meter Books and Records, etc.

25. The Company shall at all reasonable times afford facilities to the Supplier's agents to check the Company's records and figures which are or may be factors to be taken into consideration under clause 19 above, and that the Supplier will similarly give facilities to the Company for checking all Records and figures which are or may be factors to be taken into consideration under the provisions of clauses 10, 11 and 24. This shall not apply in any way to Government State Buildings.

Not to Assign.

26. The Company shall not be entitled to transfer their rights and liabilities under this agreement to any other person or firm without the written consent of the supplier.

Indemnity.

27. The company hereby indemnifies the Supplier against all third party claims and demands in any way arising out of the supply hereby agreed upon and not due to any default of the Supplier and the Supplier hereby acknowledges that the supply shall be given under the terms and obligation of the Indian Electricity Act for the time being in force and applicable to this agreement.

Marginal Notes.

28. The marginal notes to this agreement are not in any way to control this Agreement.

UNSTARRED QUESTIONS AND ANSWERS.

Electricity Act.

29. Matters in connection with the supply under this agreement and not expressly provided for under the terms thereof shall be governed by the Indian Electricity Act or the time being in force.

Termination of Agreement.

29. Subject to the provisions herein contained for termination of the agreement by special notice, this agreement shall continue in force until the (1st day of April 1938) and thereafter until the expiration of 24 months' notice of termination which either party shall be entitled to give on (1st April 1936) or at any time thereafter.

Arbitration.

30. In case of any difference arising between the parties hereto as to the interpretation or construction of any clause hereof or as to the rights of the parties hereunder or in anywise relating to or connected with the premises the settlement of which is not otherwise provided for the same shall be referred to the award of two arbitrators, one to be nominated by the Supplier and the other to be nominated by the Company, or in the case of the said arbitrators not agreeing, then the award of an umpire to be appointed by the arbitrators in writing before proceeding on the reference and the decision of the arbitrators or in the event of their not agreeing, of the umpire appointed by them shall be final and conclusive and binding on the parties and any such reference shall be governed by the provisions of the Indian Arbitration Act for the time being in force.

In witness whereof Secretary to the Government of India in the Department of Industries by the order and direction of the Governor General in Council acting in the premises for and on behalf of the Secretary of State for India in Council has hereunto set his hand and the seal of the Company has been fixed the day and year above written.

Signed by

Secretary to the Government of India
in the Department of Industries in the presence of

The seal of the Company was hereunto
fixed in the presence of

- (1) Director,
(2) Secretary.

SCHEDULE "A".

	Annas.
I. (a) Works and power purposes (Public Works Department) ..	2 per unit.
(b) Works and power purposes (other Departments) ..	2 " "
II. Viceregal Estates and Public Service Departments :—	
(i) For 1 to 249 units in any given month ..	6 per cent.
(ii) 250 to 449 units ..	5 " "
(iii) 500 units and over ..	4 " "
III. Government servants occupying Government-owned Buildings in old Delhi which are now supplied with electric energy from the Government Power Station ..	3 " "

SCHEDULE "B".

I. (a) Works and power purposes (Public Works Department)—

- (1) Electric Motor Pump at Metcalfe House.
- (2) Rajpur Nursery Motor Pump No. 1.
- (3) Rajpur Nursery Motor Pump No. 2.
- (4) Motor Pump at Balak Ram's Hospital.
- (5) Motor Pump at Hindu Rao's Hospital.

(b) Works and power purposes (other Government Departments)—

- (1) Electric Motor for Ice Plant (Viceregal Estates).
- (2) Delhi Fort Sub-Station (Electric).
- (3) Government Printing Press (Motors, etc.).

II. (a) Viceregal Estates including Bungalows and Quarters attached thereto—

- (1) Viceregal Lodge or Circuit House.
- (2) Ball Room.
- (3) Lodge Grounds.
- (4) Kitchen Meter.
- (5) Stables.
- (6) Rajpur Quarters (Nos. 1 to 4).
- (7) Viceregal Estate Quarters No. 12.
- (8) Viceregal Estate Quarters No. 15.
- (9) Sub-Assistant Surgeon's Quarter.
- (10) Cavalry Road Bungalows Nos. 1-2 and 5 to 10.

(b) Public Service Departments :—

- (1) Temporary Imperial Secretariat Buildings.
- (2) Hindu Rao Hospital and quarters.
- (3) Balak Ram's Hospital and quarters.
- (4) Government Printing Press.
- (5) Kingsway Railway Station.
- (6) Police Barracks.
- (7) Police Station.
- (8) Infectious Hospital No. 1.
- (9) Infectious Hospital No. 2.
- (10) Posts and Telegraph Buildings used as offices :—
 - (i) Posts and Telegraph Buildings, Telegraph side.
 - (ii) Posts and Telegraph Buildings Charging Room.
 - (iii) Main Building Telephone side.
 - (iv) Telephone charging motor.
 - (v) Telegraph Camp, Bela Road (two connections).
 - (vi) Telegraph Building, Post Office side.
 - (vii) Post Office, Kingsway.
 - (viii) Post Office, Cavalry Line.
 - (ix) Post Office, Timarpur.
- (11) Metcalfe House Main Building.
- (12) Military Standing Camps at Kingsway.

III. Government Servants occupying Government owned Buildings in Old Delhi which are supplied with Electric energy from the Government Power Station.

- (1) 10, Probyn Road.
- (2) 80-1 The Mall.
- (3) 80-2 The Mall.
- (4) 80-3 The Mall.
- (5) 80-4 The Mall.
- (6) Assistant Surgeon's Quarters at Hindu Rao Hospital.
- (7) 1st Sub-Assistant Surgeon's Quarters at Hindu Rao's Hospital.
- (8) 2nd Sub-Assistant Surgeon's Quarters at Hindu Rao's Hospital.
- (9) Residence for the Manager, Government of India Press near Temporary Imperial Secretariats.
- (10) 1-D-Press Block.
- (11) Superintendent's Quarter, Government Power House, Kingsway.
- (12) Gymkhana Club Quarters, 1 to 6.
- (13) Police Sub-Inspector's Quarter Civil Lines.
- (14) 2 Compounders' quarters Balak Ram's Hospital.
- (15) Metcalfe House (Residential quarters).
- (16) Alipore House.
- (17) 53 Unorthodox Clerks' Quarters.
- (18) 62 Orthodox Clerks' Quarters (Timarpur).
- (19) Gymkhana Club, Kingsway.
- (20) 6 Blocks of Unorthodox Clerks' Chummeries on Lancers Road.
- (21) Caretaker's Quarter P. W. D. (behind Temporary Secretariat).
- (22) 6-F Type Press Workers' quarters (Unorthodox).
- (23) Posts and Telegraph Buildings used as quarters :—
 - (1) Sub-Postmaster's Quarter.
 - (2) D. S. I. and T. T. M.'s Quarter.
 - (3) D. S. II. and T. T. M.'s Quarter.
 - (4) Telegraph Married Quarters No. 1 and 2.
 - (5) Telegraph Reading Room and Mess.
 - (6) Residence of Postmaster, Secretariat Post Office.
 - (7) Telegraph Bachelor's Quarter, North Block.
 - (8) Telegraph Bachelor's Quarter, South Block.
 - (9) Telegraph Bachelor's Quarter No. 1 to No. 16.

SCHEDULE "C".

	Present stock rate.
	Rs. a. p.
Copper wire of different sizes at annas 7 per lb.	.. 0 6 0 per lb.
Lattice poles at Rs. 30 each	.. 35 0 0 each.
Hamilton poles B. C. D. at Rs. 50 each	.. 77 0 0 ..
" " C. D. E. at Rs. 60 each	
" " B. C. D. E. at Rs. 80 each	.. 51 0 0 ..
" " C. D. E. F. at Rs. 100 each	.. 100 0 0 ..
"B" Brackets at Rs. 6 per pair	.. 6 0 0 per pair.
Pin Insulators, large, at Rs. 9 per dozen	
Pin Insulators, small, at Rs. 6 per dozen	
Shackle Insulators, large, complete, at Rs. 15 per dozen	.. 2 14 0 each.

DISPLACEMENT OF LOCAL DHOBIES, BARBERS, ETC., IN THE SIMLA DISTRICT BY SERVANTS IMPORTED WITH REGIMENTAL UNITS FROM THE PLAINS.

387. Pandit Thakur Das Bhargava: (a) Is it a fact that in Sabathu and other hill stations there are dhobies, barbers, tailors and shoe-makers living since the foundation of the Cantonments in those places and maintaining themselves mainly on regimental jobs of the British units during the period of their stay at those stations?

(b) Is it a fact that from some time past the followers of the units from the plains have been given the jobs which were previously enjoyed by the local dhobies, shoe-makers, barbers and tailors?

(c) Did the residents of Sabathu and other places make a representation to the military authorities that the practice of importing strangers in these hill stations as followers with the units is ruinous to them and deprives them of legitimate employment of which they were in enjoyment since generations past?

(d) Will Government be pleased to state how many persons are affected in the Simla District by this practice of importing followers from the plains with the British units?

(e) Do Government propose to issue instructions to the authorities concerned to consider favourably the claims of these artisans and labourers?

Mr. G. M. Young: The Peace Establishment of British units provide for certain kinds of followers, for example, tailors and shoemakers, who are enrolled and who accompany the unit to the hills during the hot weather. Barbers and dhobies are private servants and all arrangements concerning them are in the hands of Commanding Officers. Government see no reason to interfere in this matter. A petition was received last year from certain dhobies, barbers, tailors and others residing in Sabathu, complaining that British units arriving at that station brought their own regimental followers. In reply, these men were informed that they should address the local military authorities, who were competent to deal with this question. Government have no further information on the points raised by the Honourable Member.

ISSUE OF REVISED RULES FOR THE RESERVATION OF SEATS ON STATE RAILWAYS.

388. Mr. T. A. Chalmers: Referring to the regrettable incident mentioned by Mr. Aney in this House on the 26th February, in which the Honourable Member had reserved a seat in a train which started from Bombay, but which he intended to join at a wayside station:

(1) Is it a fact that seats can only be reserved for passengers who propose to join at wayside stations provided they pay the fare from the station the train is scheduled to start from;

(2) Is it a fact that in spite of this rule station masters, in their efforts to oblige the public, do reserve berths for passengers joining at wayside stations though aware of the fact that fares have not been paid;

(3) Is it a fact that, in such cases where reservation of seats has not been paid for from the starting point of the train, wayside passengers are not entitled to turn through-booked passengers out of the train;

(4) Do Government propose to issue revised orders to Railway officials to see that when a seat is properly reserved for a wayside passenger other passengers be not allowed to occupy such seats?

Mr. P. R. Rau: (1) No.

(2) On most of the larger railways, the rule on this point is as follows:

"First and second class passengers at intermediate stations requiring reserved berths should give at least 48 hours previous intimation in writing to the Station Master of the station from which the berths are required to be reserved; but the reservation of berths from intermediate stations cannot be assured."

(3) In view of the replies to (1) and (2) above, the answer is in the affirmative.

(4) No.

FAILURE OF EXPENSIVE HEATING PLANT INSTALLED IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

389. Mr. S. C. Mitra: (a) Will Government be pleased to state if it is a fact that a hot water heating plant was lately installed in the Government of India Press, Simla, at a cost of Rs. 40,000 or so?

(b) Is it a fact that the said plant is not working properly and that the workers suffer badly from the bitter cold of Simla?

(c) Why was such an unsatisfactory plant ever purchased and what steps do Government propose to take to prevent such waste of public money on such useless plants?

(d) Do Government propose to provide fuel stoves or wall chimneys in place of the heating plant to keep the work rooms warm in winter?

The Honourable Sir Bhupendra Nath Mitra: Inquiries are being made and the result will be communicated to the Honourable Member in due course.

PROVISION OF QUARTERS FOR CHOWKIDARS AND PEONS IN GOVERNMENT PRESS BUILDINGS IN SIMLA.

390. Mr. S. C. Mitra: (a) Is it a fact that quarters provided in the Government Press Buildings at Simla for the use of chowkidars and peons have been allotted to a blacksmith and a mechanic?

(b) Is it a fact that the poor chowkidars and peons have been without any shelter during the severe winter and consequently suffering great hardships for want of living accommodation?

(c) Has any rent been recovered from the blacksmith and the mechanic since the allotment of the quarters to them? If so, at what rate?

The Honourable Sir Bhupendra Nath Mitra: Inquiries are being made and the result will be communicated to the Honourable Member in due course.

RECRUITMENT OF MORE HIGHLY EDUCATED MEN IN THE UPPER GRADES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

391. Mr. S. C. Mitra: (a) Are Government aware that graduates and undergraduates are rigidly excluded from employment in the Clerical and Reading Branches of the Simla Press? If so, what are the reasons?

(b) Is it a fact that there is not a single graduate or an undergraduate employed in the Simla Press? If so, are Government prepared to consider the desirability of recruiting graduates and undergraduates to higher posts?

(c) Are Government prepared to issue instructions to the Managers of the Government of India Presses to recruit educated men in the upper and the lower grades of the industrial establishments?

The Honourable Sir Bhupendra Nath Mitra: Inquiries are being made, and the result will be communicated to the Honourable Member in due course.

INSTITUTION BY THE HEAD CLERK OF THE GOVERNMENT OF INDIA PRESS, SIMLA, OF A FUND FOR EMPLOYEES OF THAT PRESS.

392. **Mr. S. O. Mitra:** (a) Are Government aware that the head clerk, Simla Press, started some years ago a fund entitled "B. B. Fund" by raising compulsory subscriptions out of which money is being lent on interest to Press workers at the rate of two annas per rupee?

(b) Is it a fact that the loan and the interest are compulsorily deducted by the head clerk from the pay of the workers at the time of the disbursement of monthly pay?

(c) Is it a fact that out of the interest so collected honoraria are drawn by the head clerk and other clerks for maintaining the Fund?

(d) Is it a fact that advances are also drawn from this Fund by the Manager and the head clerk without any interest?

(e) Is the Fund recognised by Government or the Controller of Printing? If not, is the head clerk authorised to carry on such money-lending business at the expense of the workers and utilise the same to his own personal advantage?

(f) Is it a fact that lately a large number of workers complained of defalcations and misappropriations in the accounts of the said Fund? If so, do Government propose to depute a responsible officer to audit the accounts of the said Fund?

The Honourable Sir Bhupendra Nath Mitra: (in reply to Nos. 392 and 393): Inquiries are being made and the result will be communicated to the Honourable Member in due course.

INSTITUTION BY THE ASSISTANT MANAGER AND HEAD CLERK OF THE GOVERNMENT PRESS, SIMLA, OF A FUND FOR MONEY-LENDING PURPOSES.

†398. **Mr. S. O. Mitra:** (a) Is it a fact that a fund named the "Government Monotype Fund" has lately been started by the Assistant Manager and the head clerk of the Simla Press for money-lending purposes? If so, is the business of the Fund carried on during office hours in the office building?

(b) Who are the office-bearers of the said Fund and what remuneration is taken by them?

(c) Is the Manager of the Press satisfied that the money collected for the Fund is safe and that its accounts are properly kept and published for the information of the Press workers?

† For answer to this question, see answer to question No. 392.

APPOINTMENT OF A NON-TECHNICALLY TRAINED CHECKER AT THE GOVERNMENT PRESS, SIMLA.

394. **Mr. S. O. Mitra:** (a) Will Government be pleased to state if the post of the correction checker in the Simla Press is held by a man who has no practical knowledge of composition?

(b) Is it a fact that the time charged by compositors in carrying out corrections is cut indiscriminately by the checker in the Simla Press?

(c) Is it a fact that a large number of representations have been made by the compositors in the Simla Press against the appointment of a non-technical man as a checker, but that no steps have been taken to redress their grievances? Is it a fact that the present time checker was a despatcher and is the brother-in-law of the Assistant Manager?

(d) Is it a fact that the claims of Messrs. Bashiruddin and Jwala Singh who possess the required technical experience and are far senior in pay and service to the present checker have been ignored? If so, what are the reasons for appointing a non-technical man to the post?

The Honourable Sir Bhupendra Nath Mitra (in reply to Nos. 394 and 395): The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details, which are matters for his discretion.

APPOINTMENT OF AN UNQUALIFIED PROOF READER IN THE GOVERNMENT PRESS, SIMLA.

†395. **Mr. S. O. Mitra:** (a) Is it a fact that one Mr. M. Abraham was lately appointed as proof reader on Rs. 125 per mensem?

(b) Is it a fact that the said reader has no educational qualifications and practical experience of proof reading and that he was appointed without being given any trial?

(c) Is it a fact that the present head reader on taking charge of the Reading Branch discovered that the said reader was totally unqualified and that a report was submitted by him to the Manager accordingly? What action was taken on the report? If not, why not?

(d) Is it a fact that the said reader is a relative of the Assistant Manager?

NUMBER OF PROPERTIES ACQUIRED FOR OCCUPATION BY MILITARY OFFICERS AND OFFICES.

396. **Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state how many properties they acquired under section 11 (c) of the Defence of India (Consolidated) Rules, 1915, for the occupation of military officers and offices in India?

(b) Have they paid compensation in all cases?

(c) How many claims were rejected?

(d) Were there any claims from the lessees conveyed under section 105 of the Transfer of Property Act?

(e) If so, why were such also rejected?

† For answer to this question, see answer to question No. 394.

(c) The men are selected for training strictly according to efficiency and not on communal grounds.

RULES FOR THE RECRUITMENT OF THE INDUSTRIAL ESTABLISHMENT IN THE GOVERNMENT OF INDIA PRESS, DELHI.

403. Mr. Mukhtar Singh: Are there any rules for the recruitment of the Industrial establishment in the Government of India Press, Delhi? If there are no rules, do Government propose to frame such rules for the guidance of the employees and the general public?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative. In filling vacancies in the industrial establishment, preference is given to men possessing technical qualifications, and Government do not consider it necessary at present to frame any rules on the subject.

APPOINTMENT OF AN OUTSIDER IN THE PLACE OF MR. D. N. CHATTERJI, ON HIS RETIRING FROM THE GOVERNMENT OF INDIA PRESS, DELHI.

404. Mr. Mukhtar Singh: Is it a fact that after the retirement of Mr. D. N. Chatterji from the Government Press, Delhi, a gentleman from the Lahore Government Press was imported and the claims of another person already serving in that branch for years were ignored? Will Government be pleased to state the reasons for their doing so?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative.

IGNORING OF THE CLAIMS OF ASSISTANT SECTION HOLDERS IN FILLING APPOINTMENTS OF SECTION HOLDERS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

405. Mr. Mukhtar Singh: (a) Is it a fact that assistant section holders who were senior compositors and drawing higher pay are not given preference over compositors when filling vacancies of section holders although the assistant section holders have to sustain much financial loss in this hope?

(b) Is it a fact that Mr. F. D. Ascoli, Mr. Thackers and Mr. G. S. Khaparde in a Committee held at Metcalfe House, Delhi, assured the representatives of the different presses that claims of losers will be given preference?

The Honourable Sir Bhupendra Nath Mitra: (a) In accordance with the recommendation of the Piece-workers' Committee, vacancies of section holders are filled alternately from assistant section holders and senior compositors, provided suitable men are available for the post.

(b) Government have no information.

INCREASE OF THE STAFF OF THE AMHERST STREET TOWN SUB POST OFFICE.

406. Rai Bahadur Tarit Bhusan Roy: (a) Is it a fact that the Presidency Postmaster, Calcutta General Post Office, submitted a proposal to the Postmaster-General, Bengal and Assam, for a large increase of the staff of the Amherst Street Town Sub-Office, as justified by the existing time tests on statistics of work transacted in the office? If so, when was the proposal received by the Postmaster-General and what action, if any, has been taken by him to increase the staff?

(b) If no action has been taken by the Postmaster-General, will Government please state the grounds on which the question has so long been kept in abeyance?

(c) Is it a fact that the special officer deputed by Government to revise the time-test has submitted his report recommending revision of the time-test on more liberal lines?

(d) In view of the great hardship experienced by the staff due to delay in sanctioning the proposed increase of staff do Government propose to take steps to expedite the matter?

Mr. P. G. Rogers: (c) The report submitted by the special officer is at present under the consideration of the Government of India, and it is as yet too early to say what will be the actual result of the application of the new time-test which the special officer has recommended, should it be accepted by Government.

Government have no information as to the other parts of the question, but will inquire and communicate the result to the Honourable Member.

INCREASE OF STAFF IN THE SHYAMBAZAR TOWN SUB-POST OFFICE.

407. Rai Bahadur Tarit Bhusan Roy: (a) Is it a fact that the Presidency Postmaster, Calcutta, submitted a proposal to the Postmaster-General, Bengal and Assam, for a large increase of staff of the Shyambazar Town Sub-Office and furnished statistics in support of the increase as far back as in the year 1926?

(b) Is it a fact that instead of taking up the question of revision of staff the Postmaster-General called for fresh statistics of the work of the office over and over again and although fresh statistics were furnished by the Presidency Postmaster each time they were called for the Postmaster-General has not taken any steps to increase the staff of the office?

(c) If the reply be in the affirmative, will the Government state the reasons which led the Postmaster-General to call for fresh statistics over and over again?

(d) Is it a fact that the staff of the Shyambazar Town Sub Office are compelled to work long hours due to inadequacy of staff?

(e) Are Government prepared to take steps for increasing the staff of the Shyambazar Town Sub-Office?

Mr. P. G. Rogers: The information is being collected and will be furnished to the Honourable Member in due course.

PUBLICATION OF GRADATION LISTS OF CIRCLES BY POSTMASTERS GENERAL.

408. Rai Bahadur Tarit Bhusan Roy: (a) In what month of the year are Gradation Lists of Circles due to be published by the Postmasters-General?

(b) Is it a fact that the Gradation Lists for the year 1928 of all the Postal and Railway Mail Service Circles except of the Bengal and Assam and some other circles have already been published?

(c) If the reply be in the affirmative, will Government please state the reasons for the delay made by the defaulting circles in publishing their Gradation Lists?

Mr. P. G. Rogers: Information on the points raised by the Honourable Member is being collected and will be furnished to him in due course.

(g) On the 30th June, 1931.

(h) Government understand that the landlord of the present building is ready to make some additions to the accommodation in return for an increase in the rent of Rs. 300 per mensem.

ANOMALIES CAUSED BY APPLICATION OF FUNDAMENTAL RULE 22 FOR REGULATING TRANSFER FROM STATION OR LOCAL TO GENERAL SERVICE.

412. **Mr. Amar Nath Dutt:** (a) Is it a fact that serious anomalies have arisen in the subordinate Telegraph Service by the Application of Fundamental Rule 22 for regulating the transfer from the Station or Local to the General Service and *vice versa*?

(b) Is it a fact that a Station Service Telegraphist on a pay of Rs. 125 draws a pay of Rs. 180 only per mensem on transfer to the General Service while one with the same length of service and appointed directly to the General Service or transferred from Station to General Service before the application of Fundamental Rule 22 draws Rs. 190 per mensem?

(c) If the reply to parts (a) and (b) be in the affirmative, do Government propose to take any steps to remove the anomaly? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Government do not consider that the anomalies which have arisen from the application of the uniform principle laid down in Fundamental Rule 22 to all such cases are serious.

(b) The facts stated by the Honourable Member are substantially correct.

(c) Government do not propose to take any steps in the matter. Fundamental Rule 22 is a statutory one, which Government cannot disregard.

SUPERVISION OF THE WORK OF GENERAL SERVICE TELEGRAPHISTS BY LOCAL SERVICE TELEGRAPH MASTERS.

413. **Mr. Amar Nath Dutt:** Is it a fact that a Station or Local Service Telegraph Master may be required to supervise the work of General Service Telegraphists who may be drawing higher emoluments? If so, what steps do Government propose to take to remedy the defect?

Mr. P. G. Rogers: The answer to the first part of the question is in the affirmative. Government do not recognise any defect in the system mentioned by the Honourable Member.

PAY OF CLASS III AND CLASS IV CLERKS IN DEPARTMENTAL TELEGRAPH OFFICES.

414. **Mr. Amar Nath Dutt:** (a) Is it a fact that in departmental Telegraph Offices class IV clerks are mostly recruited from the menial establishment?

(b) Is it a fact that until recently their pay was less than half of that of class III clerks?

(c) Is it a fact that the latter are recruited generally from outside candidates with University qualifications?

(d) Is it a fact that the difference in pay was due to the duties of the latter being far more arduous, intelligent and responsible than those of the former?

(e) Is it a fact that the pay of the class IV clerks has now been revised making it equal to that of class III clerks though their respective duties remain unaltered?

(f) If the replies to parts (a), (b), (c), (d) and (e) be in the affirmative, do Government propose to take steps to revise the pay of class III clerks? If not, why not?

Mr. P. G. Rogers: On the assumption that the Honourable Member refers to class III and class IV clerks in departmental telegraph offices, as they existed prior to the revision of pay in March, 1927, the replies are as follows:

(a) Yes.

(b) The Honourable Member's statement is approximately correct.

(c) Yes, if by "University qualification" the Honourable Member means that they must have passed the matriculation examination of a recognised University or its equivalent.

(d) Yes.

(e) No. The position is that the old class IV clerks, and the newly created class III clerks (not old class III clerks) have been put on the same footing both as regards pay and duties. The majority of the old class III have been promoted to the newly created class II, while the remainder are retaining the scale of pay which they drew in the old class III, until they too may be promoted.

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

INCREASE OF SELECTION GRADE APPOINTMENTS IN THE CLERICAL CADRE OF DEPARTMENTAL TELEGRAPH OFFICES.

415. **Mr. Amar Nath Dutt:** (a) Are Government aware that there are only 26 selection grade appointments in the clerical cadre of the Departmental Telegraph Offices in the whole of India and Burma, the total strength of which is between 1,200 and 1,300?

(b) Is it a fact that the number of selection grade appointments on the telegraph side is quite insignificant and compares very unfavourably with that on the postal side?

(c) If the reply to parts (a) and (b) be in the affirmative, do Government propose to increase the number of selection grade appointments?

Mr. P. G. Rogers: (a) The figures quoted by the Honourable Member are approximately correct.

(b) and (c). It is a fact that the number of selection grade posts in the clerical cadre is proportionately smaller in the telegraph than in the postal branch of the Department; but such posts are created entirely on considerations of the special responsibilities which may attach to them, and not in order to accelerate promotion or improve the prospects of a clerical cadre as a whole. Government do not therefore propose to order any general increase in the number of such posts in the clerical cadre of the telegraph branch.

NATURE OF INCREMENT TESTS FOR TELEGRAPHISTS EMPLOYED ON THE BAUDOT SYSTEM.

416. **Mr. Amar Nath Dutt:** (a) Is it a fact that telegraphists who have to work continuously and exclusively on the Baudot System without the chance of getting any practice whatsoever on Morse are compelled to pass their incremental tests on Morse?

(b) If so, will Government be pleased to state why they should not be allowed to pass these tests on Baudot or in the alternative why they should not be given at least four months' practice each year on Morse before they are compelled to pass in the same?

Mr. P. G. Rogers: (a) No. There is provision for the exemption by the Director-General of such telegraphists from passing the Morse test, provided they pass the Baudot signalling test.

(b) Does not arise.

REPLACEMENT OF TELEGRAPHISTS PERFORMING CLERICAL DUTIES BY CLERKS.

417. **Mr. Amar Nath Dutt:** (a) Is it a fact that the orders of Government on the recommendation of the Posts and Telegraphs Committee, 1924, to replace certain telegraphists performing clerical duties by clerks, have not been fully given effect to?

(b) Is it a fact that many such appointments are still held by senior telegraphists and telegraph masters?

(c) If the replies to parts (a) and (b) be in the affirmative, what steps do Government propose to take to enforce their orders?

Mr. P. G. Rogers: (a), (b) and (c). The orders of Government were issued in respect of 55 appointments. In 36 of these telegraphists on non-operative duties have already been replaced by clerks. Of the remaining 19 orders have issued abolishing one appointment and for replacing the telegraphists holding the other 18 by clerks, with effect from the 1st April next.

PAY OF CERTAIN CLERKS WHEN REPLACING TELEGRAPHISTS.

418. **Mr. Amar Nath Dutt:** (a) Is it a fact that a telegraphist holding an allowanced non-operative appointment draws a total emolument of Rs. 330 including house rent?

(b) Is it a fact that when a clerk replaces the telegraphist in the same appointment he draws the pay of a class II clerk without any duty allowance?

(c) If the replies to parts (a) and (b) be in the affirmative, do Government propose to create suitable selection grade appointments for these clerks?

Mr. P. G. Rogers: (a) The figures given by the Honourable Member would only be correct in the case of a General Service telegraphist on the maximum pay, stationed in Calcutta or Bombay and residing there with his family. In other cases the total emoluments would be less.

(b) Yes.

(c) Government do not consider that the nature of the duties attaching to such posts justifies their being in the selection grade.

APPOINTMENT IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS OF AN ACCOUNTANT IN CHARGE OF CASH BRANCH.

419. **Mr. Amar Nath Dutt:** (a) Is it a fact that in all offices of the Government of India including attached and subordinate offices the cashier is given a duty allowance for his monetary responsibilities and his work is directly under the supervision of the Chief Clerk or Chief Superintendent?

(b) Is it a fact that in the office of the Director General of Posts and Telegraphs the duty allowance has recently been withdrawn from the cashier and the Chief Superintendent relieved of the charge of the Cash Branch?

(c) Is it a fact that a selection grade appointment designated as accountant on Rs. 300—20—500 has been sanctioned for charge of the Cash Branch?

(d) Is it a fact that simultaneously with the appointment referred to in part (c) above, all work hitherto performed in that branch with the exception of the work of preparation of the establishment pay bills has been transferred to other branches of the office?

Mr. P. G. Rogers: (a) The arrangement described is the usual one.

(b) The cashier's duty allowance has not been withdrawn. The cash branch has been formed into an accounts and bills section, under the charge of one of the Assistant Directors-General, but the present Chief Superintendent, as a gazetted officer, has been entrusted with several duties in respect of the accounts and bills section.

(c) No new appointment of accountant has been created.

(d) Does not arise.

APPOINTMENT OF CHIEF SUPERINTENDENT IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

420. **Mr. Amar Nath Dutt:** (a) Is it a fact that a gazetted officer of the rank of Superintendent of Post Offices has been posted as Chief Superintendent in the office of the Director-General, Posts and Telegraphs?

(b) Is it a fact that the appointment of Chief Superintendent is a non-gazetted one open only to the Superintendents of that office?

(c) Is it a fact that Government created the cadre of Superintendents of Post Offices for holding charge of Postal Divisions?

Mr. P. G. Rogers: (a) and (b). The attention of the Honourable Member is drawn to the reply given on the 18th September, 1928, to Mr. Satyendra Chandra Mitra's starred question No. 653.

(c) Yes, but not entirely. There is no objection to a Superintendent of Post Offices being employed in the Office of the Director General in any special appointment.

PAY OF THE SUPERINTENDENT OF THE FINANCE, BUDGET AND STATISTICS BRANCH OF THE OFFICE OF THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

421. **Mr. Amar Nath Dutt:** (a) Is it a fact that, unlike all other attached and subordinate offices of the Government of India, the appointment of the Superintendent of Finance, Budget and Statistical Branch of

the Office of the Director-General of Posts and Telegraphs carries a higher scale of pay, (*vis.*, Rs. 500—25—700), while all other Superintendents in charge of branches are in the scale of Rs. 800—20—500?

(b) Is it a fact that this higher scale of pay was sanctioned by Government on the recommendation of Rai Bahadur J. P. Ganguly a few years back more as a personal recognition of the services of Rai Bahadur C. L. Dutt, the then Superintendent who it was alleged had been carrying on the functions of a Superintendent as well as that of an Assistant Director-General?

(c) Is it a fact that at present there is in that branch one Assistant Director-General, one Superintendent of the grade of Rs. 500—25—700 and two others of the grade of Superintendents on Rs. 800—20—500 but doing the duties of ordinary Budget assistants?

(d) Is it a fact that the present Superintendent has been permanently appointed to the higher post in supersession of the legitimate claims of several senior Superintendents?

(e) Is it a fact that when the present Superintendent was first appointed to officiate in the higher grade some other Superintendents who were superseded memorialised the Director-General for being given a trial but their prayers were rejected?

(f) Is it a fact that there are several other branches of the Director-General's Office the work of which is equally if not more important than that of the Finance, Budget and Statistical Branch?

(g) If the replies to parts (a) to (f) be in the affirmative, why do Government not fix the cadre of all Superintendents of important branches of the Director-General's Office at Rs. 500—25—700?

Mr. P. G. Rogers: (a) The facts stated by the Honourable Member are substantially correct.

(b) No.

(c) Yes.

(d) The present Superintendent was selected as the most suitable man for this important post, after giving due weight to considerations of seniority.

(e) Yes.

(f) The work of the Finance, Budget and Statistics Branch of the Director-General's Office is essentially different from that of other sections of the office.

(g) Does not arise.

QUALIFICATIONS REQUIRED FOR CERTAIN APPOINTMENTS IN THE INCOME-TAX DEPARTMENT.

422. **Mr. K. O. Neogy:** (a) Will Government be pleased to state the minimum qualifications required of persons for appointment in the Income Tax Department under the Central Board of Revenue—specially of officers who are (or were) appointed on an initial salary ranging from Rs. 1,000 to Rs. 1,400 per mensem?

(b) Is there any difference of initial pay between a European and an Indian of equal merits?

(c) Is it a fact that Government once offered an initial salary of Rs. 500 per mensem to a qualified Indian Accountant, whereas an English Accountant of the same merit was appointed on an initial salary of Rs. 1,500?

(d) Is it a fact that when an English Accountant in Bombay was appointed on Rs. 1,500 per mensem, an Indian Accountant was appointed on Rs. 900 per mensem in the same province?

(e) Is it a fact that there are officers, other than qualified Accountants, who have been appointed on an initial salary of Rs. 1,400?

(f) Will Government be pleased to state the reason for appointing these officers on special pay?

The Honourable Sir George Schuster: (a) No minimum qualifications have yet been prescribed by the Central Board of Revenue, but as a matter of practice very high qualifications are insisted on by Commissioners. The Government of India intend to examine the whole question shortly.

(b) Not at the present time.

(c) I do not know exactly what cases the Honourable Member has in mind, but an instance which fits in with the wording of his question has actually occurred in Bengal. The implication of his question is however misleading. It is actually a fact that in Bengal in 1921 (that is to say before the constitution of the Income-tax Department on the present basis) an English accountant was appointed at an initial pay of Rs. 1,500. Recently, fully qualified Indian accountants have been available at much lower salaries. No English accountant has, in fact, been recruited since 1921 and there is no intention to recruit any in the future.

(d) It is a fact that an English accountant was appointed on Rs. 1,000—50—1,200 in 1919, and also that in 1922, after the creation of a special department had been sanctioned, an Indian accountant was appointed on Rs. 900, which represented, after the creation of the special department, the maximum pay of an Income-tax Officer in the Bombay Presidency.

(e) If members of the Indian Civil Service are excluded, the answer is in the negative.

(f) As already stated, the British accountants were appointed before the constitution of the Income-tax Department on its present basis, in order to deal with a large number of important assessments. The Indian accountant was appointed after the creation of the income-tax cadre in Bombay, and his pay was fixed at the maximum of his grade, because he was a man of considerable experience and was already holding a responsible post under the Improvement Trust, Bombay. Appointments of this nature have now ceased.

In general with reference to all parts of this question, I would remind the Honourable Member that it would have been easier for me to give him the information which he required if he had consulted me privately and told me exactly what cases he had in mind.

LIST OF QUALIFIED ACCOUNTANTS IN THE INCOME-TAX DEPARTMENT IN DIFFERENT PROVINCES.

423. **Mr. K. O. Neogy:** Will Government be pleased to give:

(i) A list of qualified Accountants now serving Government in the different provinces—in the Income-tax Department;

(ii) The initial salaries at which they were appointed;

(iii) Their present salaries, together with allowances, if any?

The Honourable Sir George Schuster: (i), (ii) and (iii). The Government will make inquiries and communicate the information to the Honourable Member.

NUMBER AND PAY OF ACCOUNTANTS IN THE INCOME-TAX DEPARTMENT IN BENGAL AND BOMBAY.

424. Mr. K. O. Neogy: In view of the fact that Government derive a larger revenue from income and super taxes from Bengal than from Bombay, will Government be pleased to state the reasons for appointing more qualified accountants in Bombay than in Bengal,—and for the discrimination in the starting salaries, if any?

The Honourable Sir George Schuster: There is no discrimination in starting salaries as between Bengal and Bombay, as assumed by the Honourable Member. Nor has it been the policy of Government to appoint more qualified accountants in Bombay than in Bengal. The Honourable Member may possibly have in mind the fact that two individual accountants were started in Bombay on high rates of pay. But these were special cases. There is no reason to suppose that the Income-tax staff in Bengal, who have been recruited in recent years, along with the Provincial Civil Service, from among the best products of the Indian Universities, are not as efficient as the staff in Bombay.

I would also mention that it does not necessarily follow, because revenue receipts are higher in Bengal than in Bombay, that the work of the Department is more difficult or intricate in the former province. In fact a large part of the revenue in Bengal comes from public companies, and assessment and collection in the case of such companies is generally easier than in other cases.

FUNCTIONS AND SALARIES OF SENIOR INCOME-TAX AND SPECIAL INSPECTING OFFICERS IN BOMBAY.

425. Mr. K. O. Neogy: (a) Will Government state the functions of officers who are known in the Bombay Presidency as (1) Senior Income-tax Officer, and (2) Special Inspecting Officer: and the salaries drawn by them? What is the minimum qualification for these posts?

(b) Do Government consider it unnecessary to have similar posts created in Bengal, and filled with men with special qualifications? If so, why?

The Honourable Sir George Schuster: (a) The Senior Income-tax Officer has been assessing all the joint stock companies in Bombay and also some of the important assesseees with large incomes. The pay of the present incumbent of the post is Rs. 1,500—50—2,000, but in future vacancies, an income-tax officer on the ordinary cadre, of which the pay is Rs. 300 to Rs. 900, will be appointed, and will draw special pay of Rs. 150, in addition to his ordinary pay, and also compensatory allowance on the scale fixed by the Local Government.

The Special Inspecting Officer was appointed to check the refunds granted by income-tax officers and to assist in the inspection of income-tax offices. His pay is Rs. 1,000—1,200. But from next month, the status of the post will be raised to that of Assistant Commissioner.

No special qualifications have been prescribed in either case, but the posts are selection posts and will be filled from the cadre of income-tax officers accordingly.

(b) The answer to the first part is in the affirmative. The answer to the second part is as follows:

(1) There is no need for an appointment of Special Inspecting Officer in Bengal so long as Assistant Commissioners in Bengal are able—as they are at present—to attend to their inspecting duties, in addition to disposing of appeals. The post of Special Inspecting Officer was created in Bombay because the appellate work of the Assistant Commissioners in that Province was so heavy that they could not make any satisfactory inspections. Even now, the average number of appeals dealt with by an Assistant Commissioner in Bombay is much higher than in Bengal.

(2) As regards the Senior Income-tax Officer, it has been now decided that there is no need for a post on an exceptionally high rate of pay and that, as already stated, the work shall be done by members of the ordinary staff. The position at Calcutta was also reviewed and it was decided similarly that at that place also, there is no need for an Income-tax Officer on a specially high rate of pay, and that the two ordinary income-tax officers doing "company" assessments should draw a special pay of Rs. 150 each.

I may mention that the high rate of pay of the Senior Income-tax Officer in Bombay dates back to the days when the administration was in the hands of the Local Government. At one time important assessments at Calcutta also were done by an officer of the rank of Assistant Commissioner, but this arrangement ceased when trained officers on the ordinary cadre became available.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

I am directed to inform you that the Council of State have, at their meeting held on the 23rd March, 1929, agreed, without any amendments, to the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, which was passed by the Legislative Assembly on the 16th instant.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending the 31st December, 1928.

HIGH COMMISSION

INDIA STORE

ABSTRACT OF CASES in which tenders for Stores demanded by the Central of the goods demanded, were accepted on the grounds greater facility of inspection,

HALF-YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for tenders.

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Copper plates	H. 1187/1738/2-7-28	Linley & Co.	539 16 6 (British).
Locomotive boilers, cylinders, etc.	H. 1302/3295/10-7-28	Sir W. G. Armstrong Whitworth & Co., Ltd.	70,466 13 0 (British).
Acidum Salicylicum.	H. 1592/146/1-8-28	May & Baker, Ltd.	178 19 2 (British).
Copper firebox plates.	H. 1915/3021/17-8-28	W. Roberts & Co.	381 10 0 (British).
Mild steel	H. 2060/3431/24-8-28	Lewis Hunter & Co.	726 5 0 (British).

ER FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description of superior quality, superior trustworthiness of the firm tendering, quicker delivery, etc.

31st DECEMBER, 1928.

foreign made goods, have been set aside wholly or partially in favour of British goods.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 412 13 0 (German).	The indent indicated special urgency and stated that the plates were required to reach India by the 1st September, 1928. The delivery offered by the lowest tenderer would not have ensured the arrival of the plates in India before October, 1928, at the earliest. Moreover, delay in shipment was to be expected by reason of a dock strike at Antwerp and probable subsequent congestion at that port. The next lowest tender, which was accepted, promised to complete delivery in 6 days.
69,839 0 0 (German).	The lowest tender was from a Continental firm which had previously proved unsatisfactory in delivery. The second tender was preferred for this reason, and also because it offered better facilities for settling details of manufacture as the conversion sets for this class had not previously been made.
175 8 9 (German).	The accepted tender was the most advantageous, taking into account the relative costs of inspection.
335 0 2 (German).	The indenter had asked for very urgent delivery and immediate shipment; the tender of the firm offering quickest delivery was accepted.
647 2 7 (Belgian).	The indenter asked for immediate shipment and this could be complied with only by accepting the higher tender.

PART A.—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Wheel centres .	H. 2360/3103/10-9-28 .	John Spencer & Sons (1928), Ltd.	420 0 0 (British).
Helical drawbar springs.	H. 2519/3915/22-9-28 .	Willford & Co., Ltd. .	2,700 0 0 (British).
Connecting rods and wheels with axles.	H. 3501/5853/29-11-28	North British Locomo- tive Co., Ltd.	560 0 0
	H. 3502/5853/29-11-28	Kiteon & Co., Ltd. .	244 1 0
			804 1 0 (British).
Copper pipes .	H. 3850/6753/29-12-28	John Wilkes, Sons & Mapplebeck, Ltd.	138 15 6 (British).

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 275 8 0 (Belgian).	The wheel centres were demanded in a telegram which stated early supply was to be arranged. The four lowest tenders offered long delivery and from experience of their previous records the earliest delivery that could be expected would be about five months. In view of the urgency the order was placed with the next tenderer who promised delivery in four weeks.
2,433 6 8 (German).	The springs were demanded in a telegram which stated that the quantity should be shipped immediately and the balance as quickly as possible. The lowest tenderer required four months to complete delivery and, moreover, offered springs manufactured at works which had been found unsatisfactory in regard to delivery on former occasions. The order was, therefore, placed with the next lowest tenderer.
781 10 0 (German).	The lowest tender was from a German firm who were unable to offer definite delivery owing to the lockout in the German steel works. The order was accordingly placed with the two firms who were next lowest.
110 3 6 (German).	The copper pipes were required in Burma immediately. The delivery offered by the lowest tenderer would not have ensured arrival of the pipes at Rangoon before the end of March, 1929. The order was, therefore, placed with the next lowest tenderer for delivery from stock.

Mr. P. G. Rogers (Director-General, Posts and Telegraphs): Sir, I beg to lay on the table the information promised in reply to the supplementary question to starred questions Nos. 817 and 818 asked by Mr. W. S. Lamb on the 26th February, 1929, regarding the value of money orders issued from post offices in Burma to India during the period from August 1927 to January 1929.

Statement showing the value of Money Orders issued from Post Offices in Burma to India during the period from August 1927 to January 1929 (18 months).

Name of offices.	Value of money orders issued.	Remarks.
	Ra.	
All offices in Burma	9,81,87,025	
Yenangyaung (Upper Burma)	3,26,760	
Nyaungghla „ „	5,29,887	
Chauk „ „	4,24,709	

Mr. Sarabhai Nemchand Haji: May I inquire if a similar statement, as suggested by me last time, will be laid on the table of the House giving the monies sent from Burma to England and Scotland as well?

Mr. P. G. Rogers: I can give the information to the Honourable Member if he wishes to have it.

Mr. Sarabhai Nemchand Haji: I did ask for it last time.

THE INDIAN FINANCE BILL—*contd.*

Mr. President: The House will now resume further consideration of the Finance Bill clause by clause. Honourable Members are aware that clause 6 has already been passed; and the Honourable Mr. Ram Narayan Singh wants to add a new clause 7 to the Bill.

(Mr. Ram Narayan Singh rose in his place.)

The Honourable Sir George Schuster (Finance Member): On a point of order, Sir . . .

Mr. President: I think the point is quite clear and I need not hear the Honourable Member. The Honourable Member's (Mr. Ram Narayan Singh's) amendment is out of order.

The question is:

"That Schedule I to the Bill stand part of the Bill."

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):
I beg to move:

"In Schedule I to the Bill in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Letters' the following be substituted :

For a weight not exceeding one tola—Half an anna.

For every tola or fraction thereof exceeding one tola—Half an anna'."

This is an old, old demand, and I think I shall be faced with the same old, old objections on the part of the Government as in the past. I have tabled this amendment in the hope that Government may see their way to accede to our demand. No doubt, this is a question of money, and the Honourable Member in charge, who is an honours man in mathematics, will bring out figures in his reply. But I believe that, besides mathematics, there are other subjects which Honourable Members, who are entrusted with high administrative offices, should study before they can ask us to accept all they say or to accept all they wish us to believe. Be that as it may, I ask this House to consider the advisability of accepting this amendment on more grounds than one.

In the first place, in a poor country like India the postage rate which has been introduced for the last few years is inordinately high, and any Government which has any consideration for the governed should give more facilities for communications by making postage rates cheaper. In asking Government to reduce the price of postage stamps from one anna to half an anna for letters my object is to give facilities for confidential communications which a man would not like to make in an open postcard. Besides confidential communications, there are a class of letters which, my Honourable friend, who is in charge of this Department, although now too old, may remember when he himself might have required long letters to be written; but if my Honourable friend and myself have passed that stage, still we have to look to consider the necessity of our grandchildren who may have necessity for long letters and whose private purse probably is not as large as ours. Even in business communications there are, I submit, certain confidential matters which cannot be written in postcards. So, it is an absolute necessity that letters in envelopes should be made as cheap as possible. I do not care to trouble myself with the profit and loss of the Department, for I believe that no civilised administration should be actuated by any motive of profit and loss in a department which they believe to be a civilising agency. Either they do not believe it to be a civilising agency—then they ought to abolish the Postal Department—or if they do believe it to be a civilising agency, they ought to make it as cheap as possible. Further, whom does this increase of postage rates from half an anna to one anna benefit, for we know ordinarily thick papers are used by the richer people? The poor man cannot afford to purchase thick paper and he does not use thick paper. It is only the richer people who use it, as also big capitalists and business men, only these capitalists and business men have been benefited because they can send 2½ tolas of paper for one anna stamp. Why should they have this advantage? Let them pay more; we have no objection to that. But why should the poor people be not given an opportunity for sending their confidential communications at a cheaper rate. Sir, there are also other amendments on the paper, which will be taken up in order, and therefore I firstly recommend acceptance of this reduction of postage rates for letters, before we come to postcards. I hope that the Honourable Member in charge of the Department will see his way to accept it.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): I did not expect from my Honourable friend, Mr. Amar Nath Dutt, the speech to which I listened after the other speech to which I had the pleasure of listening in this House a few days ago. I think he said then, that in the days of the Vedas, there was no post office, and therefore the post offices should be abolished. I wish that he had followed that principle right through; that when he voted the Demands for Grants, he had voted down the Demand for the Post Office, which would have led to the abolition of the post offices and would have automatically led to the abolition of these postal rates. My Honourable friend unfortunately is not serious, and he apparently wanted to take a sporting chance whether he would be able to persuade me to agree to this chimerical idea of his about reduction of postal rates.

I do not propose, on the present occasion, to take any considerable portion of the time of the House, because, as my Honourable friend rightly said, I have dealt with this question of reduction of postal rates time after time during the last 4 years. I would suggest to him to read all that I have said on the subject

Mr. Amar Nath Dutt: Read ours also.

The Honourable Sir Bhupendra Nath Mitra: I have read all that my Honourable friend has said. He has added nothing on the present occasion; and whatever he has said in the past I have already answered. I shall simply say a few words in connection with the specific amendment before the House. My Honourable friend wants the letter rate for a weight not exceeding one tola to be reduced to half an anna and to put in an extra half anna for every tola or fraction thereof exceeding one tola.

12 Noon. I think, on a previous occasion, I explained to him and to the House that the cost of that measure would amount to 150 lakhs a year. The reason is that the experience in every civilised country, including India, is that, if a reduction is made in the initial unit of weight on which the lowest rate is charged, the bulk of the traffic almost immediately tends down to that initial unit. In 1921-22, in deference to the wishes of this House, we had a rate of postage of half an anna for a weight not exceeding half a tola. The traffic carried on this initial rate of half tola was found to be about 80 per cent. of the total traffic and the traffic carried at the next higher rate of $\frac{3}{4}$ anna, which was charged for weight exceeding half a tola, but not exceeding one tola, was 10 per cent. of the total traffic. On the basis of that experience, and with reference to the traffic carried in recent years we have estimated that the acceptance of the amendment proposed by my Honourable friend will lead to a loss of revenue of 150 lakhs a year and we cannot afford it. Therefore, Sir, I am compelled to oppose the amendment.

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, the reason for increasing the rates of postage is said to be due to a deficit in the budget in the year 1921. If the increased rate was confined to the years in which there was a deficit, then people would not have complained, but this increased rate has been continued from year to year, without reference to the years being fat or lean. Subsequent to the year 1922, there have been six surplus budgets, and yet this increased rate continued. It is admitted that, since the raising of the rates, there was a fall in the communications sent through the post office. That is

proof enough that the poor man, who could post letters when the rate was low, could not do so when the rates were raised.

The Honourable Sir Bhupendra Nath Mitra: I would suggest to the Honourable Member to read again the speeches I made in that connection in the years 1927 and 1928.

Mr. V. V. Jogiah: It is stated that the reason for not reducing this rate is that there will be a loss to the Postal Department, but I submit that, if the Postal and the Telegraph Departments are not taken together for budget purposes, there would accrue no loss to the Postal Department, even if the rates be reduced. As a matter of fact, I am informed that the loss that is shown with regard to this combined Department is due to the expenses incurred in the Telegraph and Telephone Departments.

The Honourable Sir Bhupendra Nath Mitra: May I refer the Honourable Member to page 4 of the Detailed Statements in support of Demands for Grants for Posts and Telegraphs for the year 1929-30, which will dispel that fiction?

Mr. V. V. Jogiah: That was the argument advanced, as I see from the previous speeches made during the last year and the year before. At any rate, this is such an important matter to the poor that Government, in spite of some loss, that will be sustained, should be prepared to reduce the expenditure, in order to enable the poor man, who is living far away from his kith and kin, to communicate his thoughts and his welfare through the post. We find that the poor man, who can scarcely keep body and soul together, has been put to the additional expense of spending more upon his letters than before. I would therefore submit that this is a matter, in which Government, should take the condition of the poor people into consideration, and without reference to the loss that will be sustained, should come to the help of the poor and reduce the rate.

Some Honourable Members: The question may now be put.

Mr. President: The question is:

"That in Schedule I to the Bill in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Letters' the following be substituted:

'For a weight not exceeding one tola—Half an anna.

For every tola or fraction thereof exceeding one tola—Half an anna'."

The motion was negatived.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I rise to move the amendment that stands in my name to the effect that:

"In Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single—Quarter of an anna.

Reply—Half an anna'."

I do not propose to tire the House with a recital of statistics. There is one point which I have in common with Mr. Jogiah, which I must deal with at some length, although it has been controverted by the Honourable Member in charge. I do believe, from the facts and figures that have been

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placed at my disposal by the Department, that the Postal Department has been showing, during the past three years, excess of revenue over expenditure, whereas the same thing cannot be said of the Telegraph Department. Here are figures supplied to me by the Department. With regard to the Postal Section, in 1925-26 the revenue was Rs. 6,98,44,811, and the revenue expenditure Rs. 6,49,56,409, giving a surplus of 49 lakhs roughly. In 1926-27, it was Rs. 7,24,64,116 and the revenue expenditure was Rs. 7,03 lakhs and odd, giving a surplus, so far as the Postal Department alone is concerned, of 21 lakhs. In 1927-28 the revenue was Rs. 7,45,16,000 and odd, revenue expenditure Rs. 7,40,70,888. All along therefore I contend that the revenue from the Postal Department has been in excess of the revenue expenditure—in other words the Postal Department, during the past three years, has been making a profit, so far as what may be called the ordinary revenue expenditure was concerned. Of course I know there is what is called capital expenditure, but I do not believe that we shall be right in adding on capital expenditure to be borne by the ordinary revenue from the Postal Department. On the other hand, Sir, here are the figures for the Telegraph Department. In 1925-26 the revenue was Rs. 3,22,92,000 and odd. The revenue expenditure was Rs. 3,34 lakhs and odd, which means a net loss of about 12 lakhs. Similarly, in 1926-27, the revenue was 3 crores, 28 lakhs and odd, and the expenditure was 3 crores, 39 lakhs and odd, and there was again, therefore, a net loss of 11 lakhs and odd. In 1927-28, the revenue was Rs. 3,37,54,744, and the expenditure was 3 crores, 68 lakhs and odd, which again means a loss of 31 lakhs. I do not believe I have got this year's little book before me, from which Sir Bhupendra Nath Mitra was trying to read (*The Honourable Sir Bhupendra Nath Mitra*: 'Here it is'), but if these figures are correct, I am bound to believe them and draw the correct inference therefrom; and if there are any other figures which do not tally with these, I shall come to the conclusion that those other figures are wrong. It is much better for me to assume that those figures are wrong.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Who gets the benefit of it?

Mr. M. K. Acharya: I get the benefit. My copy is dated the 22nd February; so I claim to have the latest figures in my hands. The latest figures lead me, I say, to the incontrovertible conclusion that, so far as the Postal Section is concerned, for the past three years the revenue was more than the expenditure, and the expenditure of the Telegraph Section more than the revenue. I daresay that my Honourable friend there, with the benefit of the larger facilities he has, will probably be able to give us other facts and figures. However, without juggling with these facts and figures—facts and figures are always capable of being juggled with in the hands of my capable friend there—I say, on behalf of the ordinary man in the street, that the Postal Department has been paying while the Telegraph Department has not been paying. I don't think, I shall be wrong in saying that the Telegraph Department has not been paying. There has been what may be called a series of deficits in the combined Postal and Telegraph accounts.

It would no doubt be very interesting to go into those facts and figures, but I know for one thing that the House is too tired to be willing to go into such detailed statistics, but we all know that the Telegraph Department has been working at a loss for several years. I believe this is due to several causes. For one thing I find that the growth in the revenue from what is called Press Telegrams has not been increasing in the same proportion as the income from private messages. I am not objecting to the concessions afforded by the State to those who send Press telegrams. If my memory does not fail me, I believe it was in the old days, when Lord Curzon was Viceroy of India, that he was very keen and took it into his head to say that Press Telegrams should be charged at considerably reduced rates. This was done on larger considerations of State policy. It was in Lord Curzon's time that this policy was introduced of cheapening Press telegrams. I consider that such a policy is a good one. It is very good to be philanthropic and charitable, but at whose expense? Why should the State show all this charity at the expense of the poor man? I agree with Diwan Chaman Lal that nothing should be done at the expense of the poor; I am also a champion of the poor. Why should the poor man have to pay one anna per word for a telegram, while the Press pay only 2 pies per word? I am not complaining against Press telegrams. I also wish to have Press telegrams, the fullest and the best that I can get. This I say as a newspaper reader, but as an ordinary citizen of the country, whereas my ordinary message is charged for very heavily, the charges on the Press messages of my friend there are practically very light. There are very many other concessions also I am told. If I want to send the same telegram to Madras, Calcutta and Bombay, I am charged for three telegrams, whereas my friend will send the same Press telegram to any part of India and is charged for only one message plus copying charges, 4 annas, I think, or whatever it may be. It may be that the Press messages number 500 words and they take precedence of all messages. Everything has to wait till the Press messages are disposed of in the Telegraph Office; and therefore in this way there is considerably more favour shown to Press messages than is shown to ordinary messages, and the figures, to that extent, are misleading. In the case of private telegrams, for the year 1925-26, the revenue was only 2 crores and odd while for Press telegrams it was only 4 lakhs and 59 thousand. The number of messages, of course, is correspondingly less, but no doubt one press message may be equivalent to 100 private messages, that is to say, the number of words that would go into one press message would perhaps be equivalent to the number of words on not only six but many times six private messages. Therefore, whereas the revenue from private messages was two crores and odd, only 4 lakhs and 59 thousand constituted the revenue from Press messages for the year 1925-26. In 1926-27 the revenue from private messages was 1 crore and 97 lakhs and odd, and that from Press messages was only 5 lakhs and 81 thousand. In 1927-28 the income from private messages was 2 crores and odd, and that from Press messages was only 5 lakhs and 77 thousand and odd. This is ample proof that there has been a great inferior revenue, so to speak, from Press messages. There is again the staff that has to be employed for these Press telegrams, which has been very large, and they must be getting larger every year as the Press messages increase every year.

What I am trying to get at is that we doubtless want Press messages, we want the Press to get every possible help; but why should this be at the cost of the poor man? Let the Government allot a certain sum for Press

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messages; let them give a grant of 10 lakhs or 10 crores, or whatever they think necessary, but they must not mix business and charity, which cannot go together. Even business people do their business on ordinary business lines, and when they want to show charity they put it apart. Let the Government of India indicate to what extent they could help the Press. Let them set apart a sum of money, but not include it in the ordinary telegraph charges.

The Revd. J. C. Chatterjee (Nominated Indian Christians): The charge has to be met all the same.

Mr. M. K. Acharya: In the long run, it may be the same; but here, so far as his Department is concerned, my Honourable friend, Sir Bhupendra Nath Mitra, will not trouble himself to find money for working other departments. It may be that the Political Department, or some other department of the Government of India will find the money, but it will not be the same so far as the Postal and Telegraph Departments are concerned. I contend that the figures show that there is enough revenue, probably more revenue, than is required to meet the ordinary expenditure of the Postal Department. In other words here comes the difficulty. When you want to work a department commercially, when you want to show that the expenditure is within the revenue, when you want to see that the Telegraph and the Postal Departments are worked on what are called business lines and when, at the same time, you tag on this charity business, or special treatment business, then comes the difficulty. The Departments together do not pay; a recurring deficit is being shown, year after year, against the combined Postal and Telegraph Departments. Therefore, it is not whether the Government of India find the money or not, it is whether the ordinary man, who uses the postcard, who uses the telegraph wires for sending an ordinary message, whether he is to keep up the white elephant of the Press, or the white elephant of the aero-transmitting machines, and things of that kind, and the various other developments that are being brought into the sphere of the Telegraph Department. I am told that very many experiments, very interesting but very costly experiments, are being made in the Telegraph Department, but that the expenditure is all being met from the ordinary revenues. Therefore I still hold that the practice of the Government now prevailing, namely of putting the postal income and the telegraph income together, and putting up all the expenditure together, and showing at the end, that there is a deficit in the combined accounts of both the Departments, I say that this practice leads just to this inconvenience, that we really do not know who exactly it is that should be taxed more. If there is really a loss in the Telegraph Department, very well, by all means increase the telegraph rates. The poor man may use the telegraph wires once a year; he may send a message once a year or even not at all. If it is proved to the satisfaction of the House that the Telegraph Department cannot manage without additional income during the year, then increase the telegraph rates. I am not advocating it. I believe it is not necessary.

Mr. K. C. Roy (Bengal: Nominated Non-Official): Then, what do you advocate?

Mr. M. K. Acharya: I advocate that the Government of India must find the money if they want to give special treatment to any one using

the Telegraph Department instead of to the poor man who uses the postcard. I have been pointing out how the poor man, who uses the postcard, is hit hard by the present arrangement, and if the Honourable Member had been absent for the past fifteen minutes, and so did not listen to my arguments, it is not my fault. Not that I am against the Press, or against the new experiments in the Telegraph Department. What I am urging is this: do not make the ordinary poor man, who uses either the Postal or the Telegraph Department, pay for the charity or the special treatment that you are giving to the Press. So far as my little argument is concerned, my arguments are very clear. The revenue from the Postal Department for the last three years has been in excess of expenditure.

The Honourable Sir Bhupendra Nath Mitra: By how much?

Mr. M. K. Acharya: By several lakhs. In 1925-26, it was 49 lakhs, in 1926-27, it was 21 lakhs and in 1927-28, it was five lakhs.

The Honourable Sir Bhupendra Nath Mitra: There you are, five lakhs.

Mr. M. K. Acharya: Quite right. Therefore, there has been a continuous surplus. I believe with a certain amount of greater economy, there will be more surplus. The average for the past three years is 25 lakhs per year. I know, Sir, what the argument of the Honourable Member is going to be. He will say a deduction in postal rates means a loss of 50, 60 or 75 lakhs and that it cannot be borne by the Department during the coming year. I meet it in this way; firstly economy is still possible, economy to the extent of 20 or 30 lakhs is still possible. Secondly reduced priced postcard may bring in a larger revenue. (Hear, hear).

The Honourable Sir Bhupendra Nath Mitra: How?

Mr. M. K. Acharya: Where we write one postcard now, we shall write two postcards, and we may even be tempted to write four.

An Honourable Member: Question.

Mr. M. K. Acharya: Anything under the sun is questioned. God's very existence is being questioned. I am not surprised that, in the world as it is at present constituted, there is nothing under the sun which is not questioned. However, I am not going to be afraid of it. If the Honourable Member tries this experiment, and if next year he comes down to this House and says: "Here we have been working at a dead loss, there is a deficit to be met with, the prophecy of that poor Brahmin has not borne fruit; we have not had much increase in the consumption of postcards, and there is really deficit in the Postal Department," if he comes and says this, I am sure, even my Honourable friend, Diwan Chaman Lal, will be willing to consider the position afresh, from the point of view of new statistics supplied to us. But on the statistics that are now placed before us, I do contend that there is no case for keeping on this half anna postage. I am not pleading for those who write big letters; I am pleading for the poor man, who purchases a postcard and goes to the nearest scribe, tells him what he wants to be written on the postcard and then posts it. I am pleading for that poor man. In his case there is a very strong reason why the Government of India should not relax its business canons.

The Revd. J. C. Chatterjee: He has to pay to the writer one anna.

Mr. M. K. Acharya: Most of my arguments apply only to the poor man, and he will be materially helped by my proposition. I do not want this charitable business to be carried on by this Department. Even granting that the poor man has to pay one anna to the writer of the postcard, at the present rate, he has to pay $1\frac{1}{2}$ annas for a card to be written and posted (one anna to the writer and half anna to the Postal Department). If my proposal is accepted, you save one pice for the poor man, because he will have to pay only $1\frac{1}{2}$ annas. To the extent of a quarter of an anna, the poor man will be saved, and that is really worth gaining for the sake of the poor man. I therefore contend that there is really a *prima facie* case for the reduction of the postcard from half anna to quarter anna. I beg all my Honourable friends to take the matter seriously. Of course, we are not, for all time to come, reducing the postage. We know that, some years ago, the postage was one quarter anna, and during those days the post office did work all right. I know there has been increased expenditure; I know there has been increase in the pay and emoluments of the postal servants and so on. I know all that. But knowing all that, even wishing that there should be further increase in certain very deserved quarters, in spite of all that, I feel that the time has come when the same policy, which leads to cheap telegraph rates, must lead, even with greater force, to cheap postcards. On behalf of those who consume postcards, I strongly commend my amendment. Sir, I move my amendment.

Pandit Thakurdas Bhargava (Ambala Division: Non-Muhammadan): Sir, when I see these empty benches of the Swaraj Party and my own Party, I see the advocacy of this cause is in the nature of a forlorn hope. I am convinced that it is not, because the Honourable Members, who are absent, do not feel as much as I do on this question, but of late a feeling has risen in the minds of many Honourable Members that the Government do not listen to even very reasonable proposals from this side of the House. That accounts for the absence of so many Honourable Members in this House at this moment. I feel that the way in which this question is looked at is, to say the least, very deplorable. Every year this question is raised, and the reply that is usually given by the Honourable Sir Bhupendra Nath Mitra is that this is a Commercial Department, and therefore, unless it pays its way, there is no chance of a reduction of postal rates. Every year the argument is put forward that this side of the House regards this question of the Postal Department as a nation-building department, but the points of view of the Government and the people materially differ in this respect.

Now, Sir, if this argument of the Department paying its own way was pushed too far logically, it would follow that many departments of Government would have to be closed. I want to know in what sense is this Postal Department a special commercial department? Is the Army Department a commercial department? Is the Telegraph Department a commercial department? Now, the policy of tagging on the Telegraph Department to the Postal Department is one which is to be deprecated. Last year, I also submitted, in this connection, that if it was merely a question of providing easy means of communication to the general public, as such, then this Department should be tagged on to Railway Department, so that ultimately the result would be cheap postal rates. Now, it is said that this Department is running at a loss. This point has been taken up by Mr. Acharya, and I do not want to repeat his

reasons. Anyhow, I want to submit that, even if it is taken that this Department cannot pay its way, I will submit that there is no reason why, from the general revenues of the country, a subsidy cannot be paid to this Department, so that it may be within the easy possibility of the poor public also to utilise this Department. If you just look at the efforts made in other countries in the way of cheapening postal rates, you will find that, even in England, this effort has succeeded partially. In 1922, when these postal rates were increased, it was not due to the Department being run at a deficit, but it was, as a war measure, and as such I submit that war being over, this increase should have been over too. But it is the habit of Government that, once they increase the rates, they do not reduce them afterwards.

Furthermore, Sir, as has been submitted just now by Mr. M. K. Acharya, the rates in the Telegraph Department need not be higher than what they are at present. As a matter of fact, the poorer public have very rare occasions to utilise the Telegraph Department, and they would not like that the telegraph rates should rise still more; but if the rise is really inevitable, it is but meet that such rise should be with reference to the extent to which the Telegraphic Department is being utilised by the poor people. Now, Sir, education, according to statistics, is said to be increasing day by day, and it ought to be the concern of the Government to see that the people utilise this Department as an educational department. I know that the reply would come that this will result in a loss of 50 or 80 lakhs of rupees. Whatever be the difference between the income from the pice postcard and the two pice postcard—the amount should be considered to be utilised for educational purposes. A similar argument was addressed to this side of the House last year, and I replied to that argument. I need not repeat it now; but it was stated by the Honourable Sir Bhupendra Nath Mitra that the postmen belonging to this Department, whenever they went to a village, were more welcomed by the people than perhaps the chaprassi of any other department or the policemen, who are not so much liked by the people, and that the isolation of these villages should not be too often disturbed by the postmen going to the villages more often than they do now.

Now, Sir, it cannot be denied that, so far as the Telegraph Department is concerned, any reduction in the rates will benefit the richer classes and the middle classes; but so far as the postcard is concerned, every poor man who has the occasion to use the postcard will be benefited. Moreover, in every possible thing in which the Government of India want to make people understand that they are doing some good, it has always been found that the people who benefited most were the richer people and not the poor public. For instance, in regard to the question of the cheapening of the railway rates, it was found that those who travelled less than 50 or 60 miles were not benefited; while, as a matter of fact, the average number of miles travelled by a man is about 33. Similarly, whenever any concession is made, the benefit of it goes only to the rich. I submit the poor man will certainly bless the Government of India if they decide to reduce the price of the postcard, which is more used by them than by the rich. Considered from all these standpoints, I submit that the price of the postcard should be reduced to a pice.

Mr. V. V. Jogiah: Sir, I wish to add only one word to what has been said in regard to the increase in the rate of postcards. The increase of

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the rate on postcards has pressed more unduly on the people than even the increase of the rate on letters. Government may charge higher rates for telegrams and use of telephones and reduce the rates on the postcards. Let not Government punish the poor for the benefit of the rich. Another aspect to be considered is whether revenue of this sort has, so to say, no recuperative energy. I submit that any immediate loss will surely be compensated by the increase in the extra volume of correspondence. It is therefore, neither just nor generous, nor even expedient, that Government should continue this high rate on the postcard. I am sure that a reduction in the price of postcards will evoke a warm feeling of gratitude in the poor people.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur ~~cum~~ Orissa: Muhammadan): Sir, let me, at the very outset, say that I do not approach this question from the financial point of view; I look at this question from the poor man's point of view. To compel the poor and the hungry man to pay two pice instead of one for a postcard is simply unjust. I think you can as well increase the rates on envelopes and telegrams and other things; but in the case of the postcard, I say it is not just. Here in India there are hundreds of thousands of people in the villages who do not know how to write, and so, if you ask them to pay two pice instead of one pice, it is not only two pice that they will have to pay—sometimes they are most of them illiterate and literacy has not advanced very much—but they will have to pay one or two pice more to the people who have to write the cards for them. So that, the poor man will have to pay three or four pice instead of two pice. Therefore, purely with a view to remove the grievances of the poor man, you ought to reduce it; and again, if you reduce the price of the postcard, I am sure the revenue will increase—that is my opinion. For instance, the revenue has been fluctuating from 1916 onwards. In the year 1916-17, the number of postcards sold was 509,800,270. In 1921-22 it was 648,470,932; and in 1925-26, it was 550,648,307. So, it has been fluctuating. It is quite possible that, if you reduce the price from two pice to one pice, there will be greater consumption and the poor people will take to writing postcards more often than at present. If you give them the necessary facilities, by selling these cards at cheap rates and at different places, I am sure, the State will gain. No doubt there may be an immediate loss of about Rs. 70 or Rs. 80 lakhs; but if the Government do not consider this as a business proposition, and if they wish to help the poor people, the labourers, they must reduce the rate. This is a question of capital and labour. You help the capitalists in so many ways, but you don't help the labourer. That is the general impression—that you help the rich, and that you do not care for the poor. That is the real position. My point is: why should you be robbing Peter to pay Paul? Why should you ask the poor people to pay more so that the rich may be benefited? I do not want the Government to lose anything by reducing the rate, but I am sure the immediate loss may be covered by reduction of expenditure and by retrenchment, if necessary. If you continue this high rate, you would not have the blessing of the poor, and there will be discontent among them. From the people's point of view, from the Government point of view, and from every point of view,

I think the unrest here is economic, not only political. If there is agricultural unrest, you know people are poor and starving, and that unrest should not be increased. So I say, that, from the point of view of the Government, from the humanitarian point of view and from the people's point of view, the rate should be reduced. I therefore support the amendment that has been moved, Sir.

(Mr. Amar Nath Dutt and another Honourable Member rose in their places, Mr. President called Mr. Amar Nath Dutt.)

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Let the Honourable Member speak first, Sir.

Mr. President: The Honourable Member is called upon to speak. If he does not speak now he will not be called upon again.

Mr. Amar Nath Dutt: Sir, a similar amendment stands in my name. I am pretty sure that the eloquent appeal of my old and valued friend, Khan Bahadur Sarfaraz Hussain Khan will not melt the stone heart of the Government Member. We have been seeing, during the last few years, that he keeps two hearts, one the human and the other the governmental. It is our misfortune, Sir, that this demand for reduction in the postal rates which affect the poorest in the country has to be brought forward, year after year, by the representatives of the people and refused year after year by the Government. The same arguments will be applied here as have been applied to the reduction in the case of postage on letters. But they won't appreciate another cogent argument which ought to influence all human actions if they are to be humane at all. I know of course that Members of Government and the Government which they serve are not humane. Here is a Member, who styles himself Member for the Department of Labour and Industry. It would have been better if that Department had been named Exploitation of Labour. It is not to help labour, it is not to minimise the difficulties of labour, it is not to give them food and clothing, that this Department exists. I do not blame the Honourable Member in charge of the Department personally. He is merely a tool in the hands of a vicious system of administration which he has to carry on which it is his misfortune—I do not know whether he considers it to be a misfortune—but it is his misfortune to carry on. Be that as it may, Sir, it has been said more than once, that if the postal rate is reduced, then we will not be able to meet the expenses of the Department. I ask them, is your military expenditure calculated and budgeted for according to what you get by your expeditions over the North-West Frontier and elsewhere? Do the other Departments of Government realise any money in order to carry on their Departments? Is it only when the poor are to be exploited that these things come in. No doubt I must congratulate the Government on their impartiality in taxing both the rich and the poor. Look at the Income-tax; look at the postal rates; look at the salt duty; look at excise. Whether it is champagne, or whether it is country liquor, you have to pay tax before you can get it. Champagne may be for the rich, and country liquor for poor people, but they are both taxed alike. Whether you earn an income of Rs. 80,000 per year or lakhs or whether you have a poor income of say Rs. 5 or 6 thousand rupees a year, you will be taxed alike. Whether you write from palace to palace or from a city like Calcutta to the Imperial city

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of Delhi, or whether you write from one poor insignificant village to another insignificant village, and even though the writers may be people who can hardly collect together two pice at a time, you are to be taxed alike. So I congratulate the Government on their impartiality in matters like these. But cannot they be a little human and humane in this matter? Sir, I remember the ridicule with which an utterance of mine was received by the Honourable Members on the other side, for my having unfortunately in this House referred to the Golden Age of India, the Vedic Age, when there was no post office in our country. But I am sorry that an Indian Member should have nothing but ridicule for an utterance which refers to the Vedic Age and our glorious past. It is, I suppose, useless for me to remind him of those oft-quoted lines:

"*Laha taba louha lostra o prastar
Hay naba savyata,
Dao sai glaniheen dinguli,
Sai saudhya enan Sai santa sam gun,
Nibar dhanyer musti,
Balkal basan,
Magna hoay atma majhey,
Nitya alochan asimer mahatatwa gudi.*"

All these things probably will not be appreciated by my Honourable friend on the other side. The poet says:

"Take back your stones and other symbols of material civilisation. Give us those days when we could think of the higher ideals of life, when we were clad in *balkal* and derived solace by chanting the *sama vedas*."

The Honourable Sir Bhupendra Nath Mitra: A Sudra like my friend over there saying that!

Mr. Amar Nath Dutt: I am not a Sudra, I am a Kayastha. The Mitras, Ghoses and Boses were servile enough to accept Kaulinya under humiliating terms, which the Dutts were too independent to accept. These, Sir, are all matters of history. Sir, it was not on the field of Plassey that we were conquered. It is the cultural conquest of the West that is responsible for want of respect for our glorious past, our precious heritage.

The Honourable Sir Bhupendra Nath Mitra: Is that relevant to the Finance Bill, Sir?

Mr. President: I hardly think it is relevant. The Honourable Member must confine himself to the amendment now before the House.

Mr. Amar Nath Dutt: I hope, Sir, that when considering this amendment, and when considering the question of the reduction of postage rates, the Honourable Member will please remember that in the Vedic age there was no post office, and that, if we have it now, it is because we have come under the hypnotic influence of a civilisation which is not our own. In the circumstances I beg to submit that we should try to make the best of a bad case, and to minimise the evils of this modern civilisation of the West. We should try to give at least some facilities to the poor men who were taken away by your very Department, the Department of Labour,

from their homes to far off provinces. They may not have had sufficient food, but they had at least some of the pleasures of life, and in far off exile they ought to have some opportunity at least of communication with their relations at home, whom they have left behind, and whom they may not probably in this life see again. I appeal to the Honourable Member in the name of civilisation, in the name of all that is human still left to us under the present system of administration, at least not to use any argument like the one he used before and not to oppose this little amendment of ours.

The Honourable Sir Bhupendra Nath Mitra: Sir, I must begin by expressing my regret that it is not possible for me to accept this proposal for the reduction of the postcard rate, for the simple reason that the financial position of the Department will not permit of such reduction, and that, in the circumstances, any reduction will be against the best interests of the Department and of its customers. I believe that I am correct in stating that my view of the question has the approval of a considerable body of people in this House, and that explains the emptiness of the benches opposite.

Now, Sir, on several occasions before, in this House, I have laid stress on the fact that the primary function of the Indian Posts and Telegraphs Department is to render certain services to the public in the matter of conveying and delivering their letters, mails, telegrams, etc. To meet the cost of these services the Department must naturally levy from its customers certain rates and fees postal, telegraph and telephone; and it has been the consistent view of Government that the yield of these rates should, on the whole, be adequate to meet the expenditure which the Department must incur to maintain the services undertaken by it in a reasonable state of efficiency and development. I was glad to find that this aspect of the case was recognised the other day by the Honourable the Leader of the Opposition—the Leader of my friend, Mr. Amar Nath Dutt—Pandit Motilal Nehru, when he styled these rates as payment for services, and compared them with the charges made by a taxi-driver, and he added that they could hardly be called taxes. Similar views have been expressed in the past by other Members of the opposite Benches, like Mr. Birla and Mr. B. Das of the Nationalist Party.

Now, Sir, my friend, Mr. Acharya, tried to regale us with certain figures. He said that, what was happening in the Department was that the poor man, who contributed to the postal revenue, was suffering at the expense of the rich man who was contributing to the revenue of the telegraph branch of the Department. I shall, for the information of this House, give the correct figures for the postal branch of the Department. In the year 1925-26, there was a profit of Rs. 49 lakhs. In 1926-27, that profit had gone down to Rs. 22 lakhs. By 1927-28 it had gone down to Rs. 4 lakhs; and in 1928-29 there was a loss of Rs. 5 lakhs. In 1929-30 we expect a profit again of Rs. 4 lakhs. Now, Sir, what is the reason of this drop in the figures? I am sure that anybody who has studied the position, and who has listened to what I have said on previous occasions in this House, will fully realise the reason for that reduction in the net profit of the Postal Department.

Pandit Nilakantha Das: (Orissa Division: Non-Muhammadan): May I request the Honourable Member to quote the figures for the Postal, Telegraph, Telephone and Indo-European Branches separately?

The Honourable Sir Bhupendra Nath Mitra: I have given the figures for the Postal branch of the Department separately, as at the present moment we are discussing the question of reduction of the postal rates. I have pointed out that, according to the budget estimate for 1929-30, the net profit of the Postal branch will be only Rs. 4 lakhs. It was undoubtedly 49 lakhs in 1925-26, but it has gradually gone down, until it stands at the figure of Rs. 4 lakhs in the budget for 1929-30; and I am sure that every Member of this House, who has at all followed the situation, and who has listened to my speeches in the past, knows the reason for that deterioration in the position. Within a couple of months after I took charge of my portfolio I was pressed by my Honourable friends on the opposite side, in particular by Mr. Jinnah, who is not in his seat at the present moment, and by many others who are present here today, to examine personally and sympathetically the outstanding grievances of postal subordinates in various directions, namely, pay and allowances, hours of duty, holidays, uniforms, adequate strength of supervisory staff, accommodation, etc. My Honourable friends opposite will find a string of these given in some of the speeches made in this House on the 12th February, 1925. Luckily for the subordinates, and unfortunately for those who have demanded a reduction in postal rates, I succumbed to the pressure; and I should like to state quite frankly on the floor of this House that I have never regretted the assurance that I gave to this House on the 12th February, 1925. My preliminary examination of the grievances convinced me that there was considerable justification for them, though the demands of the staff had been pitched rather too high, as is not unusual in such cases. I then formulated a policy, which was accepted by the Government of India, and which has been consistently followed in the last four years. I came to the conclusion that it was not in the best interests of the Department, or its customers, that we should try to conserve the relatively small surplus which the Department was likely to produce from year to year, so that, at the end of a long term of years, it might grow to a figure which would permit of a reduction in, say, the postcard rate. I came to the conclusion that the best way of utilising this surplus would be to spend it on developing the service on efficient lines, due regard being paid to economy. To my mind the foremost item in any such development is the amelioration of the conditions of service of the low-paid staff, for unless we get the staff into a reasonable state of contentment, it will be impossible to secure the proper efficiency of the service. As Sir Basil Blackett said in the course of his budget speech last year, we came to the conclusion that priority must be given to the staff; and so far this House has supported us in this conclusion. The House is aware that considerable progress has been made in this direction in the last three years; and the additional recurring expenditure on this account has now reached the neighbourhood of Rs. 50 lakhs a year. The financial position of the Department did not permit of any provision for new measures of this kind being made in the budget for 1929-30; and it is possible, as was suggested by the Honourable Sir George Schuster in the course of his budget speech, that it may no longer be necessary to make heavy provisions of this kind in the future. But the House is also aware, from the answers given by me to various recent questions, that the task is not yet complete. In particular, the strength of the subordinate staff and of the subordinate supervisory staff will have to be re-examined with reference to the recent investigations conducted in regard to time-tests in force in the Department with reference to a Resolution in another place,

ad to other investigations which the Department has undertaken. Arrangements will also have to be made for the grant of a weekly day of rest to the staff where they do not now get it, and for the provision of an adequate leave reserve for postmen and inferior servants. The items I am mentioning are the more important ones and are not intended to be exhaustive.

I think my friend, Mr. Acharya, suggested that we might economise on the expenditure of the Department. Now, how are you going to secure this economy? The only way we can secure this economy is by either reducing the staff—and their complaint is that they are already overworked,—or else by reducing the rates of pay, which, under pressure from this House to some extent, I have revised upwards during the last two or three years. Mr. Jogiah I think suggested that, if we reduced the postcard rate, the traffic would go up so much that we should be able to recoup ourselves from the extra revenue received from the extra traffic. I have discussed this matter time after time on the floor of this House in the past, and all I shall do at the present moment is to repeat a passage from my speech in this House on the 16th March, 1928. This is what I said:

"Quite recently I was reading a book called the 'Post Office', by Sir Evelyn Murray, who has been the Secretary to the Post Office in England since the year 1914. That book deals, on page 29, with this particular matter, whether a reduction in the postage rate in England, for example, to the pre-war level, would result immediately in an increase in the traffic conveyed. This is what he says:

'With booming trade an increase on this scale'

—that is, on a scale sufficient to wipe out the initial loss—

'might perhaps be achieved in ten years, but certainly not in one, and in any case it would entail a heavy increase of expenditure which the enthusiasts'

—like my friend Mr. Mukhtar Singh,—

'conveniently overlook'. That, Sir, is the position."

Now, Sir, another argument which I have heard advocated for the reduction of the postcard rate is that it will help the poor man . . .

Mr. President: What has Mr. Mukhtar Singh got to do with this?

The Honourable Sir Bhupendra Nath Mitra: It was Mr. Bhargava. I am very sorry if I have mixed up Mr. Bhargava with Mr. Mukhtar Singh. Another argument which has been advanced in favour of the reduction of the postcard rate is that it will help the poor man. Now, that argument has been discussed threadbare on the floor of this House. Mr. Joshi, than whom there is nobody more capable to speak on behalf of the poor man, has definitely said that a reduction of the postcard rate will not help the poor man. If I were to accept this amendment, Sir, the result would be a loss of revenue to the extent of 90 lakhs of rupees a year to the Department and I cannot possibly afford it. That being so, Sir, I have no option but to oppose the amendment.

Mr. J. A. Shillidy (Home Department: Nominated Official): I move that the question be now put, Sir.

Several Honourable Members: The question may now be put, Sir.

Mr. President: The question is:

"In Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single—Quarter of an anna.

Reply—Half an anna'."

The Assembly divided.

AYES—34.

Abdoola Haroon, Haji.
Acharya, Mr. M. K.
Ayyangar, Mr. K. V. Rangaswami.
Bhargava, Pandit Thakur Das.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Sahab.
Gulab Singh Sardar.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Mitra, Mr. S. C.

Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Phookun, Sriji T. R.
Rahimtulla, Mr. Fazal Ibrahim.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hosain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Gangnanand.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

NOES—47.

Abdul Aziz, Khan Bahadur Mian.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Jawahir Singh, Sardar Bahadur Sardar.
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.

Mitra, The Honourable Sir Bhupendra Nath.
Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji Chaudhury.
Muhammad Nawaz Khan, Sardar.
Mukherji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was negatived.

Mr. President: The question is:

That Schedule I to the Bill stand part of the Bill.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): I have got an amendment, Sir.

Mr. President: To Schedule I?

Mr. Fazal Ibrahim Rahimtulla: Yes.

(Cries of "Withdraw" and "Go on".)

Mr. President: Order, order. Mr. Fazal Ibrahim Rahimtulla.

Mr. Fazal Ibrahim Rahimtulla: Sir, I beg to move:

"In Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1896, for the entries under the head 'Book, Pattern and Sample Packets' the following be substituted:

'For every five tolas or fraction thereof—Quarter of an anna'."

Mr. President, it appears, at first sight, a little awkward to move any amendment to the Finance Bill after having voted for the expenditure. It means or it gives the appearance that this House wants His Excellency the Governor General to certify the reduction if carried by this House. I therefore desire to make it clear that when we move amendments to the Finance Bill we do not desire that His Excellency the Viceroy should certify the amendment or restore the cut.

Mr. K. Ahmed: That is implied.

Mr. Fazal Ibrahim Rahimtulla: I will come to that, Mr. Kabiruddin, if you have patience to listen. I will come to the demands for grants. The procedure is this. When the Demands for Grants are discussed in this House, they are not discussed with the intention of having a reduction in those particular grants, but the cuts are moved with the intention of criticising the policy of Government on those particular measures which come here before the House. In the Explanatory Memorandum, Appendix II, (Statement showing the distribution, as between voted and non-voted, of the gross expenditure of the Central Government as shown in the budgets presented to the Legislature), we find that the total expenditure is Rs. 255 crores, whereas we are asked to vote in this House only Rs. 136 crores. If you consider that we should adopt measures which would bring about a responsible opposition, we claim that the whole of the amount, namely, Rs. 255 crores, should be put before the House for discussion and vote. The question of military expenditure to the tune of Rs. 55 crores is not discussed in this House, and in spite of the repeated requests for reduction by this House, we find a statement in the Memorandum to the following effect:

"It has been decided that, for a period of four years beginning with the year 1923-29 and ending with the year 1931-32, the military budget will be stabilised each year at a figure of 55 crores, to which will be added the amount required, at present estimated at 10 lakhs, to give effect to measures arising out of the Shea Committee."

The House knows perfectly well that, when they want a reduction of expenditure with a view to give relief in the shape of taxation on salt, or in the price of postcards, and other things, their desire is that the whole budget should be put before them in order that they should be able to suggest retrenchments. In this Memorandum it is said:

"The Indian Retrenchment Committee, after their exhaustive examination of every aspect of military administration, recommended that the net budget for 1923-24 should be fixed at Rs. 57½ crores, subject to such addition as would be necessary on account of the delay which must necessarily ensue in carrying out the proposed changes. They considered that, in subsequent years, expenditure would be susceptible of reduction to Rs. 57 crores and ultimately to Rs. 50 crores provided a further fall in prices took place."

This Report is dated 1922-23, and if you want to know whether any fall in prices has taken place, you find the index number in 1922-23 was 178,

[Mr. Fazal Ibrahim Rahimtulla.]

whereas in December 1928 it was 145. Therefore, by bringing in a budget, the majority of which is not voted or not even discussed, except on these grants or cuts, I say you are not justified in saying that we have voted the expenditure and that we cannot bring forward any proposal for reduction of taxation. If we do so, we are told that we are making destructive proposals, or that we want, deliberately by our attitude, His Excellency the Governor General to certify the proposed reduction if carried by this House.

Mr. K. Ahmed: All that should have been said in the general discussion.

Mr. Fazal Ibrahim Rahimtulla: I will now come to the subject matter of the amendment. The object of my amendment is to reduce the rate from half an anna to quarter of an anna. In this House Members are very keen on the question of primary education. When we give people education, they naturally want to read books and literature if they can get them. But we find that the present rates are very exorbitant, and unless Government consider this question sympathetically, they will be preventing the fruition of the object they have in view by methods of this character. From the figures I have got here, I find that, on a book packet of 10 lbs. from Bombay to Poona the railway freight is 6 annas, whereas by book post the charge is Rs. 2-8-0.

Mr. A. H. Ghuznavi (Dacca Division: Muhammadan Rural): Why don't you send the book packet by rail and thereby avail yourself of the cheaper rate?

Mr. Fazal Ibrahim Rahimtulla: I am showing

Mr. A. H. Ghuznavi: You send the book packets by rail to Poona.

Mr. Fazal Ibrahim Rahimtulla: Why should I do it?

Mr. A. H. Ghuznavi: Why should you not? Because the rail is cheaper, send it by rail.

Mr. Fazal Ibrahim Rahimtulla: Why not make the postage cheaper?

Mr. A. H. Ghuznavi: Why should they?

Mr. Fazal Ibrahim Rahimtulla: I think my Honourable friend, Mr. Ghuznavi, has not understood the point at all, and it is better to keep quiet and not indulge in things that one does not understand. (Laughter). Sir, the question is, a book packet, weighing, 1 pound, has to pay four annas, whether it has to travel from Kalbadevi to Fort (which is Bombay) or whether it has to be carried away from Bombay to Tokiyo or San Francisco. I mean the postage, people do not consider at all the question of distances. They do not consider at all as to what they should do to help the literacy of India, and in putting forward this proposal, I want the Government of India to understand that they should make an earnest effort in the direction of a reduction of the postcard rate and the postal rates of book packets, and such other things, by putting before this House the whole budget for discussion, and not asking us to vote for 136 lakhs and not to move a reduction in the Finance Bill.

The Honourable Sir Bhupendra Nath Mitra: Sir, this matter of the reduction of the book packet rate was discussed by this House in the

year 1925, and it was negatived without a division. My friend Mr. Rahimtulla referred to the competition of the railway. That is not a real competition at all. If a customer finds it cheaper to send a book by railway parcel, the Post Office Department will not grudge the railways that traffic. As it is, the tariff of the Postal Department for book packets, or in other cases, is fixed on quite a different basis from the railway tariff. The postal tariff is uniform for the whole country, based on unit rates for unit weights, with additional rates for addition to the unit weights. Railway freights depend on weights and distances. Further, the service which the post office supplies is quite different from the service which the railway supplies. In the one case, the book packet is delivered at the house of the consignee. In the other case, the consignee has got to go to the railway station to get the article. Now, as a matter of fact, however we might reduce this book packet rate, we cannot possibly approach the railway rates in the case of certain weights. On the other hand, in the case of lower weights, the postal book packet rate is much cheaper than the railway rate. The difference is inherent in the method of fixing of rates adopted by the Postal Department. What I have said will indicate to my Honourable friend that this matter has, in the past, received considerable and careful consideration from the Government of India. Last year Sir Purshotamdas Thakurdas drew attention to the apparent anomaly. Later on he had some correspondence with my Department on the subject and on the 3rd January my Department explained to him the precise position. In reply to that letter, Sir Purshotamdas Thakurdas stated that he noted what the Department had to say and that he would address it later on if necessary. He has not thought fit to address the Department thereafter. I believe he received a copy of the same letter from which my friend Mr. Rahimtulla was quoting. After that he had a discussion with Mr. Sams and myself and apparently decided not to pursue the matter further. If I had to accept the amendment of my friend Mr. Fazal Ibrahim Rahimtulla, the loss of revenue would amount to 26 lakhs a year, and I see no justification for incurring this loss. As a matter of fact, in spite of the increase in the rate in 1921, the traffic in the book, pattern and sample packets has gone up by leaps and bounds. I shall quote certain figures. In 1914-15, the traffic was 60 millions. In 1920-21, it had risen to 67 millions. Between 1920-21 when the rate was raised and 1927-28, it has gone up to 101 millions. That does not show that the traffic had suffered by the increased rate. It is quite possible that certain people do not find it profitable any longer to send their books by the postal book packet and are apt to use the railway parcel system, but that is not sufficient justification for us to sacrifice an annual revenue of 26 lakhs. I hope my friend, Mr. Fazal Ibrahim Rahimtulla, will, on reconsideration, be pleased to withdraw his amendment.

Mr. President: The question is:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Book, Pattern and Sample Packets' the following be substituted:

"For every five tolas or fraction thereof—Quarter of an anna'."

The motion was negatived.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. President: The question is:

"That Schedule I to the Bill stand part of the Bill."

The motion was adopted.

Mr. President: The question is:

"That Schedule II to the Bill stand part of the Bill."

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadan Rural): I beg to move:

"In Part I of Schedule II to the Bill the following be added to entry A (1)..."

Mr. President: Which amendment is that?

Mr. Mukhtar Singh: No. 24, Sir.

Mr. President: I understand that the other amendments are not moved?

Mr. V. V. Jogiah: Mr. Amar Nath Dutt is not here. Can I move his amendment?

Mr. President: Under what Standing Order?

Pandit Thakur Das Bhargava: I have got an amendment, Sir.

Mr. President: The Honourable Member does not rise. What is to be done?

Pandit Thakur Das Bhargava: I beg to move:

"That in Part I-A of Schedule II to the Bill the words 'Hindu undivided family' be omitted."

Mr. President: Is not that practically the same thing that we had the other day?

Pandit Thakur Das Bhargava: No, Sir.

Mr. President: What is the difference?

Pandit Thakur Das Bhargava: So far as the previous amendment was concerned, it related to the manner in which I proposed that the Hindu undivided family should be assessed, and what the total income of each member of such family should be deemed to be, but that amendment did not suppose that the Hindu undivided family was to be taxed, though by that amendment I sought to define the method and total income of the family which was to be taxed. Whereas, according to this amendment, I want the words "Hindu undivided family" to be deleted, from which it would follow that no Hindu undivided family should be taxed.

Mr. President: You don't want a Hindu undivided family to be taxed at all?

Pandit Thakur Das Bhargava: Yes, Sir.

Mr. President: Whether the income of the family is 2 lakhs or ten lakhs or five lakhs?

Pandit Thakur Das Bhargava: Yes, Sir, that is my intention.

Mr. President: Sir George Schuster.

The Honourable Sir George Schuster: Sir, I was in doubt myself as to what the intention of the amendment was. I had interpreted it in the same way as you, Sir, that it was intended to provide that the members of a Hindu undivided family should be assessed as individuals, and that, therefore, the Hindu undivided family, as such, should not be assessed. I had not understood that my Honourable friend intended to propose complete exemption from income-tax for all individuals who are members of a Hindu undivided family, and I suggest that, if that is his intention it is a frivolous amendment.

Pandit Thakur Das Bhargava: Whether the amendment is frivolous will be judged by the House.

Mr. President: Does the Honourable Member admit that it is frivolous?

Pandit Thakur Das Bhargava: Not in the least. My amendment is that a Hindu undivided family, as such, should not be taxed.

Mr. President: That is, that individual members of a Hindu undivided family should not be charged income-tax?

Pandit Thakur Das Bhargava: Yes, as individuals.

Mr. President: Then the objection raised by the Honourable Finance Member must prevail. We have already discussed the question whether the unit for the purpose of income-tax should be a Hindu undivided family or a member of it, and this House, by rejecting the amendment of the Honourable Member, has already decided that a Hindu undivided family should be the unit and not each member thereof, and therefore any amendment which seeks to fix responsibility on individual members of a Hindu undivided family is out of order. I therefore rule that the Honourable Member's amendment is out of order.

Sardar Gulab Singh (West Punjab: Sikh): I move, Sir, that:

"To Part I-A of Schedule II to the Bill, after the words 'not being a registered firm or a company', the following be added:

'and every company and registered firm'

and Part I-B of Schedule II to the Bill be omitted."

If Honourable Members just inspect the rates of income-tax, they will find included in "A", "the case of every individual, Hindu undivided family, unregistered firm and other associations of individuals not being a registered firm or a company." In this "A" you find that only registered firms and companies are left out. Of course this gives a chance to the persons who start companies to escape the payment of registration fees to the Registration Department, besides other expenses, and so they

[Sardar Gulab Singh.]

don't get their associations registered. It is a patent fact that registered societies and companies command more respect, more confidence, and attract more capital, as they have got a certain responsibility imposed upon them to submit their balance sheets and all accounts annually. The people have more confidence in them, and in this way, Sir, more capital is attracted. But they find that, if they have their association disturbed, they have to incur several kinds of expenses, and besides that, Sir, all these unregistered firms and associations are exempted from the payment of income-tax on an income of less than Rs. 2,000. And besides, from the very beginning of their existence, registered companies have to pay one anna and six pies per rupee, even if they have an income of one rupee.

So, in this way, these rates stand in the way of forming companies or starting associations. These different rates of income over these two different kinds of societies have hit very hard the formation of new companies. I think if these restrictions are removed, and if all these different rates, that at present apply to companies, are done away with, then more companies will be started, and thus the income of Government also will be increased. I have experienced all these difficulties myself in starting my company. When we start a company, in the beginning a great deal of expenditure has to be incurred in this way and that way, for payment of registration fees, and several other expenses have to be borne by the promoter of the company. So, I think the rates of income-tax should be the same in all cases, and if you add the words "and every company and registered firm" to part A, and if you omit part B, then my object is gained. Sir, I move.

The Honourable Sir George Schuster: Sir, I think my Honourable friend is under some misapprehension as to the way in which the burden of income-tax falls upon a registered company. To accept his amendment would be completely to upset the whole of the system on which the Indian income-tax is based. There is no hardship of the kind which he imagines. In the case of a company, a registered company is taken as a unit of assessment and the income-tax at the rate of one anna and six pies is deducted from the total income of the company before any distribution is made among the shareholders. But the individual shareholder can then recover the income-tax which has been paid. If the individual shareholder, who receives a dividend from a company, has a total income which is below the limit of exemption, he obtains a total refund of the tax. If his income is of a slightly higher level but one not taxable at the maximum rate, he is entitled to a refund according to that rate. Therefore, if a registered company is formed by a number of poor people, each of whom has a total income of less than the minimum rate for income-tax, in effect that company pays no income-tax at all, and if the change which is recommended by my Honourable friend is introduced its position would be much worse than it is under the present law. Sir, I do not think it is necessary for me to say anything more on the subject. I believe, if I could have five minutes talk with my Honourable friend, I could explain to him the system of income-tax, and convince him that the taxation on registered companies under the present system does not in fact constitute any injustice and indeed is the only practicable system.

Mr. President: The question is:

"To Part I-A of Schedule II to the Bill, after the words 'not being a registered firm or a company', the following be added:

'and every company and registered firm'
and Part I-B of Schedule II to the Bill be omitted."

The motion was negatived.

Mr. Amar Nath Dutt: Sir, I beg to move:

"In Part I-A of Schedule II to the Bill for entries (1) and (2) the following be substituted:

'(1) When the total income is less than Rs. 5,000 . . . Nil'
and the following entries be renumbered accordingly."

Sir, in moving this amendment, I have very few words to say. The minimum income that is assessable in India is Rs. 2,000 per annum, at the present moment. Considering the rise in prices and also considering the fact that the income that is at present earned by the poor middle classes is so low that they can hardly keep body and soul together on it, it is advisable that their income should not be taxed. The poorer middle classes earn not more than Rs. 4,000 or Rs. 5,000 per annum and their income should not be taxed by any civilised government, much less by a Government which is alien. Sir, it is only to give relief to that section of the poor middle classes who have to live on a bare income of Rs. 4,000 or Rs. 5,000 a year, that I am appealing to the House. People who earn an income which runs up to five or six figures per annum will probably not realise the difficulty of that section of the poor middle class gentry of our country. But if they have the heart to understand the difficulty, they will realise that these poor middle classes have to educate their children and send them to good colleges, and also they have to marry their daughters in good families. Now, Sir, unfortunately in this country this income is not even sufficient for giving ordinary food and education to the children, and when you remember that, under our social customs, they have to pay large dowries, no less than Rs. 15,000 or Rs. 20,000, to get the girls married, it is hardly possible for a man of this class, earning Rs. 4,000 or Rs. 5,000 per annum, to give a decent education to his boys, or to get a suitable boy for his daughter. If they really know the social conditions under which the poor middle classes have to live at the present day, and if they consider all the circumstances, I think the House will agree to the amendment which stands in my name. Sir, the ordinary food and clothing which can keep a man in this world comes to not less than Rs. 30 or Rs. 40 per month. That being so, an ordinary family, consisting of eight or ten members, can hardly live on Rs. 400 or Rs. 500 a month. Sir, we are not like those who, as soon as they are grown up and find some comfortable berth in life, get themselves separated from their parents and from those who are dependent upon them. I am speaking especially of the Hindu joint family system, where we believe it to be our duty to maintain our parents, not only our old parents, but also our widowed sisters and even the sons of widowed sisters. This being the case, I think that people who really have any knowledge of the peculiar conditions under which the poor middle class gentry of this country have to live will at least not think of taxing people with such small incomes as Rs. 400 or Rs. 500 a month.

[Mr. Amar Nath Dutt.]

They have also another difficulty. I have attempted to point out, times without number, in fact I have introduced a Bill which could not be passed in this House composed as it is at present, I have pointed out that if they have got any Government promissory notes which bring them Rs. 1,000 or Rs. 2,000, those promissory notes are taxed at the maximum rate, and then refund is allowed to them if they can prove that their income is less. Now, Sir, all these are very difficult processes, and in fact it is almost impossible to get a refund from the income-tax office. In fact, there was a circular for anticipatory certificates. If Honourable Members, who occupy high positions here, care to inquire about the way in which these anticipatory certificates are granted, they will be convinced that it is more than useless to have these anticipatory certificates. Because I know that lawyers earning very small incomes of Rs. 300 or Rs. 400 a month, when they apply for anticipatory certificates for a few thousands of rupees worth of Government promissory notes, are denied those certificates on the plea that their income is liable to fluctuation. That is the lot, and that is the fate of the poor middle class gentry. In fact, I can say this without being contradicted, that more than 80 per cent. of the people who are entitled to a refund, do not get the refund, or do not get an opportunity of applying for refund. Supposing, Sir, there is a widow living in a village who has an income from some agricultural sources which is not taxable, how can she come and apply for the refund of income-tax deducted from the interest of Government promissory notes unless she is prepared to satisfy the itching palm of the subordinates of the department? Unless she does so, she will not be given any refund at all. Even in the case of Government servants holding the position of Deputy Magistrates or Munsifs, they will not care either to get the necessary certificate or to apply for the refund, considering all the difficulties they will have to undergo. Or they may be transferred from, say, Calcutta to some other place, and it may not be possible for them to apply for the refund from the new station. I know there are at least several instances in which people earning Rs. 400 or Rs. 500 or Rs. 800 a month do not apply for refund at all. Considering all these circumstances, I think some relief will come to the middle class people if the minimum assessable income is made Rs. 5,000. I would have gone up even to a higher figure; but considering that the Government is bent upon having an income-tax, and considering the poor income of the people of the country, I think Rs. 5,000 is sufficient, at least under the present circumstances.

Sir, I appeal to every member of this House to consider the reasonableness of the amendment which I have put on the paper. The middle class gentry are the backbone of the country; and if you do not accept this amendment, they will have to submit to the income-tax of course, as they have submitted to it so long, as they have submitted to the salt tax or to the postal rates. If a man is getting Rs. 400 per mensem, you take away Rs. 40 or Rs. 50 in the shape of income-tax, Rs. 30 or Rs. 40 in the shape of postage stamps and Rs. 40 or Rs. 50 for salt, thus leaving practically nothing for him. Poor man, he complains that he could not purchase any necessary thing, because he has to pay so many taxes, and he has nothing left with him. That is what he says. Considering all these circumstances, I think it is very cruel to have incomes below Rs. 5,000 assessed to income-tax.

Mr. K. Ahmed: I would pay the price of the umbrella first.

Mr. Amar Nath Dutt: My Honourable friend wants to tax the umbrella. Let him tax it.

Mr. K. Ahmed: Pay for the umbrella first.

Mr. Amar Nath Dutt: I do not know, Sir, what arguments will be adduced by the Honourable the Finance Member who will oppose this amendment. But it appears to me cruel that an amendment like this should be opposed. I think I should not waste the time of the House (*Mr. K. Ahmed:* "Hear, hear".) by saying anything, save and except this: I appeal to the generous feelings of the Members of this House towards the poor of this country, and I appeal to them to accept this amendment.

Mr. V. V. Jogiah: Sir, there is a widespread impression that, when once a tax is levied in this country that tax is not abolished or even reduced, whatever might be the promises made at the time when the tax was imposed. On the other hand, the contrary process of increasing it from time to time has been in evidence. This may be said to be true of the income-tax and also of duties such as those on salt. Income-tax was imposed in the year 1886 to meet a deficit of 2 millions sterling. This deficit resulted on account of the cost of the frontier defence. Since then, it has not been reduced, though there were prosperous budgets.

It is said, Sir, that there are two features of this income-tax which are, more than others, open to serious objection.

Mr. President: Come to the amendment.

Mr. V. V. Jogiah: I will come to it now, Sir. One is that the taxable minimum is too low, and the other is that the method adopted by the assessing staff has the effect of making the tax fall on people who do not even earn the taxable minimum. So far as the first grievance is concerned, even accepting Income-tax as an inevitable evil which people cannot help putting up with, what people want is the raising of the present taxable minimum. Once the taxable minimum was at Rs. 500, thereafter it was raised to Rs. 1,000, and then to Rs. 2,000. I submit, Sir, the time has arrived when the taxable income should be raised at least to Rs. 5,000. The minimum was raised to Rs. 2,000 years ago, and since then much water has flown under the bridge, and it is time that the minimum should be raised. Prices have risen by three or four times what these were before, and the standard of living has also considerably advanced. There is thus no doubt that, unless the taxable minimum is raised, people, especially the middle class people, will suffer considerably.

In this connection, Sir, I need make no apology for quoting a few sentences from the speech of a European Member, the Honourable Mr. Turner, in the Imperial Legislative Council in the year 1902. He stated from his place in the Council in March 1902 as follows:

"Income-tax, when re-introduced into India in 1886, was imposed to meet a deficit of over £2 millions sterling. It was then absolutely necessary for all classes to meet that deficit towards what was practically a national defence fund; in other words, to pay for Frontier defence. But, my Lord, the time has arrived when it is unnecessary to tax what I might almost call the 'impoverished' class. There is no doubt that the cost of living, especially in towns has very greatly increased since 1886 and the native clerk who has to maintain himself and his family and to keep up a respectable appearance on a very limited income finds income-tax a heavy burden."

[Mr. V. V. Jogiah.]

that few of us can realize. Not only do these men suffer, but there are a number of pensioners and widows in receipt of pensions to whom even the small amount deducted on account of income-tax tells more heavily. I would therefore earnestly beg the Government of India to take into consideration the question of raising the limit of the income-tax from the present figure of Rs. 41-10-8 per mensem or say Rs. 500 per annum to Rs. 100 per mensem or say Rs. 1,200 per annum. The loss to Government would be somewhere about 40 lakhs of rupees—an amount scarcely noticeable in the improving resources of the country. I believe it to be perfectly true that native employees with limited incomes experience as much difficulty in making both ends meet as do the unfortunate people in England, who also suffer from the same thing."

It was also stated during the course of that debate that the taxable income in England at the time was £160, which, according to the present calculation, comes to about Rs. 2,133. That is, in fact, the taxable minimum which at present exists in this country, being a little less, viz., Rs. 2,000. Sir, India is well known for its poverty, and compared to it England is undoubtedly by far the much richer, and yet the taxable minimum in both countries is the same. This, I submit, Sir, is quite unjust. Another matter for remark is that an Indian who has an income per month of Rs. 175, that is, the taxable minimum, has generally dependent on him a large family in which the bread winners are few. He has to feed the members of the family, their wives and children, provide them with a house to live in, and meet all sorts of charges such as those for marriages, *shradhs*, and such other inevitable expenses. One may call this improvident; one may say that all this should be changed; but we have to take society as we find it. Society must be taken as it is with all its faults. In these circumstances, I submit, Sir, that expediency, urgency, justice, and generosity, alike, require that the taxable minimum should be raised. With these words, Sir, I support the amendment.

The Honourable Sir George Schuster: Sir, it is possible to make out a convincing case against almost any tax. We have listened here to very eloquent pleas from my two Honourable friends who have just spoken on behalf of the very poor. I confess I was somewhat surprised to find them pleading with almost equal heat, the cause of the middle classes. I listened to the arguments in favour of the very poor with much greater sympathy than to the arguments which they have just advanced. I regret, Sir, that I must oppose this motion on the ground that it is impracticable. The net loss to the Government, if the income-tax laws were amended in this way, would be 141 lakhs of rupees per annum. I do not think that any case has been made out for this relief. The Taxation Inquiry Committee examined the matter and reported that, on the whole, it would be best to stick to the existing limits. If we compare this country with other countries—in England, for example, the limit of exemption is lower than it is in India. If we take the index numbers and compare the level of taxation as it stands today—its effective level—with the level at which it stood, say, 25 years ago, we find that, while in 1903 the limit was Rs. 1,000 it stands today at Rs. 2,000. On the basis of the index numbers those incomes are about the same. Therefore I do not think, apart from the ordinary arguments which, as I say, can be adduced against almost any tax, there are any special arguments against this particular form of taxation, and, having regard to the very large sum of money that will be involved in extending this exemption to so high a level, I must oppose the amendment on behalf of Government.

Mr. President: The question is:

"In Part I-A of Schedule II to the Bill for entries (1) and (2) the following be substituted:

'(1) When the total income is less than Rs. 5,000 . . . Nil'
and the following entries be renumbered accordingly."

The motion was negatived.

Mr. Mukhtar Singh: Sir, I beg to move:

"In Part I of Schedule II to the Bill the following be added to entry A (1):

'But in case of a joint Hindu family when the total income is less than Rs. 4,000 . . . Nil'

and consequential amendments be made in A (2)."

Sir, since 1927 I have been moving a similar amendment every year; and I am glad to notice that public opinion is coming round to my view. I hope, Sir, this time I shall convince the House that my amendment is a very reasonable one. I would submit, Sir, that in the first place, it may seem that I want more favourable treatment to be meted out to the Hindu family than to other individuals in the country. I would have been very glad, Sir, if the amendment moved by my Honourable friend Pandit Thakur Das Bhargava had been carried; but unfortunately that was opposed, I do not want any special treatment for the Hindu joint family, but I want that Hindus should be treated like other individuals in the country. If a Muhammadan or a Christian pays an income-tax simply in his individual capacity, why then in the same way should not the individual members of the joint Hindu family be taxed? The joint Hindu family, as such, should not be made a unit for the sake of taxation. It was pointed out that it seems to be necessary that an amendment of the Income-tax Act should be made on that score, and that was the chief reason why the amendment of my friend, Pandit Bhargava, was not accepted. Till such time as an amendment is brought forward by the Honourable the Law Member, I hope, Sir, this amendment of mine will be carried. My reasons for proposing it are that a Hindu joint family should consist of at least 2 members, otherwise it will not be a joint Hindu family at all. Let us suppose that a Hindu joint family consists of only two members, then the income of an individual member comes to only Rs. 2,000. In that case we shall be taxing practically an individual member who has an income of Rs. 2,000. If the joint Hindu family consists of more than 2 members, even then, Sir, they will be taxed on a much lesser income than Rs. 2,000 each. So it is not in any way a favour that is sought under this amendment for the Hindu joint family. Rather I have put the case on a very reasonable ground, considering that the joint Hindu family consists only of 2 members. I would submit, Sir, that by carrying this amendment, we shall be giving some relief to the members of a joint Hindu family, because as the matter stands today, the lowest income of a joint Hindu family, irrespective of the fact of how many members there are in the family, which is taxed is Rs. 2,000. We find, Sir, that in the case of Hindus also there is a differential treatment meted out to the Hindu joint family. You know, Sir, that the *Dayabagha* school of Hindu law does not recognise the joint family. In the same way the customary law of the Punjab does not recognise the joint family. It is only

[Pandit Thakur Das Bhargava.]

that the Hindus are disorganised, that the Hindus do not assert themselves. I feel, Sir, that the poll tax or capitation tax could not be more hateful or invidious than this tax, which regards the Hindu joint family as a thing which should not exist. The indirect result of this tax is that Hindu joint families are being disorganised, and litigation crops up in Hindu families as a result of this invidious distinction.

I therefore submit, Sir, that this double capacity, of which Sir Basil Blackett spoke on the last occasion, should be eliminated. We do not want that the Hindus should have two characters, one as an individual and the other as a member of an undivided Hindu family. There should be only one character and these feudal types of taxation should be eliminated and the more civilised type should be accepted, that is, the individual as the basis of taxation and not the undivided Hindu family. In no other sphere of life is the Hindu joint family recognised as a unit; it cannot sue and it cannot be sued; and in other matters it is not recognised as a unit. There were times when clans and communities and castes or families were regarded as units and they were fined as units; but now it cannot be said that they are so regarded; and they should not be so penalised. Under these circumstances I would submit, Sir, that it is not true to say that it is only in respect of *Mitakshara* families that there is this distinction. As a matter of fact every undivided Hindu family, be it under the *Mitakshara* or the *Dayabagha* system, is taxed alike, and in spite of the fact that a Hindu carries within himself the keys of separation of the family, still the family is taxed, and in a manner which is not justifiable. I therefore support this amendment.

The Honourable Sir George Schuster: Sir, this question of the system of taxing a Hindu undivided family has already been debated at some length in the course of the last few days. I therefore do not wish to enter at length into all the arguments that have been advanced. But there are two points on which I wish to touch, Sir. One is a question relating to a point of order. The last speaker dealt with some remarks which fell from my Honourable colleague the Law Member, comparing the position if a proposal of this kind had come forward in the form of a separate Bill, with the position when it comes before us as an amendment to the Finance Bill. Sir, on the occasion of a previous debate, when this House was, for the time being, unfortunately deprived of your presence, a point of order was raised from the Government Benches as to a preceding amendment, which dealt with something analogous to this,—an alteration of the system of assessment for taxation, and the point was made that a question of that kind could not be dealt with on an amendment to the Finance Bill on the ground that it was a question, not of altering the rates of taxation, but of altering the system of assessment. When I spoke on that matter, Sir, I said that the Government would not wish to burk discussion on a matter which was of interest to the House merely on a technical ground, but I did submit that in cases of taxation, it was inappropriate that they should be raised as amendments to the Finance Bill. I ventured to point out, Sir, that the sort of discussion which was possible in connection with the Finance Bill did not give a proper opportunity to study intricate questions of taxation. I compared the procedure which was available in the case of a Bill, where it is possible to have a Select Committee, and to conduct an elaborate departmental inquiry, and to circulate a Report of a Select Committee

for opinion outside. I think we have had an example in the case of the amendments dealing with the present Schedule of the dangers of attempting to legislate about taxation in the form of amendments to the Finance Bill. One of the amendments proposed was that the members of a Hindu undivided family should be assessed separately. I believe, Sir, that if that amendment had been passed, the effect of that amendment, combined with the effect of section 14 (1) of the Indian Income-tax Act, would have been to exempt all Hindu members of an undivided family from all income-tax of any kind. At least it would have created a very difficult case for interpretation by the Courts. I merely mention this as reinforcing my argument that there is a danger in what I might, without wishing to be derogatory in any way, describe as amateur legislation on matters of taxation.

Then, Sir, on the question of the merits of the case, I feel we must recognise, on this side, that in a Hindu undivided family, we are dealing with a social unit of a special nature, and that it is a unit which is difficult to fit into the present system of taxation. After very careful consideration a system had been adopted for fitting it into the income-tax provisions. I do not think any one on this side would deny that that system works out on occasions in an anomalous fashion, but I do not think that the justice is all on one side, or rather that the complaint lies in all cases on one side. We always have examples quoted of a Hindu undivided family as though it consisted of four or five "bread-winners", whose salaries are all lumped together and therefore become liable to taxation to which they would otherwise not have been liable. But it must very often happen that a Hindu undivided family takes the form of a family with one bread winner and a number of dependants. That would be exactly the same as a Muhammadan family, and there is no reason, as far as I can see, why, in that case, the limit of exemption from income-tax should be higher than in the case of other families. I quite admit that cases of injustice may arise, where there are, as I say, two or three bread winners working independently, whose incomes, according to the law now, have to be added together for the purposes of assessment. From my own short acquaintance with the subject, I should say that the present system rather tends to give an undue relief to the richer families and to fall very often in an unfair way on the poorer families. I do not think that the last word has been said on this subject, and it is quite possible that, when the question of a general revision of the income-tax law comes up, this question of dealing with a Hindu undivided family will be a question which might appropriately be considered. But I do submit, Sir, that it raises very complicated issues which cannot be properly dealt with in the sort of debate which is possible on an amendment to the Finance Bill. The present amendment is one which seeks to raise the limit of exemption from income-tax to Rs. 4,000. The effect of that, I am told, according to our calculations, would be a loss to the Government of just under Rs. 18 lakhs a year. It is not a very large sum, but it is a sum which we cannot afford to lose just at the moment. Therefore, Sir, on these grounds I regret to say that I must oppose this amendment at the present stage.

Mr. President: The question is:

"In Part I of Schedule II to the Bill the following be added to entry A (1):

"But in case of a joint Hindu family when the total income is less than Rs. 4,000 . . . Nil"

and consequential amendments be made in A (2)."

The Assembly divided:

AYES—36.

Acharya, Mr. M. K.
Bhargava, Pandit Thakur Das.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Newchand.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.

Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Phookun, Sriji T. R.
Rang Behari Lal, Lala.
Roy, Mr. B. C.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Gangnanand.
Sinha, Mr. Siddheswar Prasad.

NOES—53.

Abdoola Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Jowahir Singh, Sardar Bahadur Sardar.
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra Nath.

Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji Chaudhury.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was negatived.

Mr. Mukhtar Singh: I beg to move:

"In Part I of Schedule II to the Bill the following be added to entry A (1):

'But in case of a joint Hindu family when the total income is less than Rs. 3,000 . . . Nil.'

and consequential amendments be made in A (2)."

I do not want to make a speech on this occasion because the arguments that I have put forward are practically the same in this case also.

Mr. K. Ahmed: Then what is the use?

Mr. Mukhtar Singh: The use is quite clear. If you are taxed and if you are a poor Hindu family you will know what it means. The Honourable the Finance Member has admitted that the Income-tax Act, as it stands today, hits hard the poor Hindu families, and I would submit that, when I have reduced the limit from Rs. 4,000 to Rs. 3,000, he will agree with me and support the amendment. With these words I move my amendment.

The Honourable Sir George Schuster: I do not think it is necessary to repeat the arguments which I have already advanced. The loss in case this amendment be accepted would also be a substantial one, namely, just under Rs. 10 lakhs, and until the whole question has been much more carefully reviewed, I find it necessary to oppose any such amendment.

Mr. President: The question is:

"In Part I of Schedule II to the Bill the following be added to entry A (1):

'But in case of a joint Hindu family when the total income is less than Rs. 3,000 . . . Nil.'

and consequential amendments be made in A (2)."

The motion was negatived.

Mr. President: The question is:

"That Schedule II to the Bill stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

MESSAGE FROM H. E. THE VICEROY AND GOVERNOR GENERAL.

Mr. President: I have received the following communication from His Excellency the Viceroy and Governor General of India.

(The message was received by the Assembly standing.)

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, do recommend to the Legislative Assembly that it do pass the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1928 to fix rates of income-tax, and to raise the import and excise duties on motor spirit, in the form hereto annexed.

(Sd.) IRWIN,
Viceroy and Governor General."

I need not read the whole text of the recommended Bill, but it is word for word the same as it was originally introduced.

THE INDIAN FINANCE BILL—contd.

The Honourable Sir George Schuster: Sir, I move that in clause 2 of the Bill

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Sir, on a point of order. I wish to draw your attention to Rule 36B of the Manual of Business, printed on page 43. Clause (3) says:

"Where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made, in a form inconsistent with the form recommended, the member in charge of the Bill may move any amendment which, if accepted, would bring the Bill into the form recommended."

Mr. President, this rule is perfectly *intra vires*. Therefore I do not raise any question on that, but on the interpretation of clause (3) of Rule 36B, I submit the recommendation must be previous to the amendment which is sought to be moved. There must be a recommended Bill or a recommended provision, and afterwards, when the Assembly has not agreed to it, or passed it in a form not consistent with the recommendation, then the Member in charge of the Bill may move an amendment which, if accepted, would bring the Bill into the form recommended. The present case is not covered, Mr. President, by any rule, and I submit that if you, without fulfilling the requirements of section 67B of the statute, introduce a recommendation here, then you could do so only before the Assembly had expressed its opinion upon the matter. Now, there was no recommendation in the first instance and therefore what Sir George Schuster is seeking to move is an amendment to the Bill which can only be moved by him if there was an anterior recommendation and amendment thereon by the Assembly inconsistent with it. That, I submit, is perfectly obvious on the face of it. The clause says:—"makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made", (that is the amendment that has been made by the Assembly from Rs. 1-4-0 to Re. 1) "in a form inconsistent with the form recommended". Therefore the form recommended must be anterior to the amendment which was made by the Assembly. Now, at the time the Assembly was seized of the Bill and made an amendment, there was no recommendation. Therefore I submit, this particular rule, which is the only rule which is claimed to justify the procedure, cannot really apply. Of course I am not here to advise the Honourable the Finance Member. There is another procedure under the statute. That is that the Bill can go to the Council of State as recommended and come back here as recommended. That is a different procedure. The procedure under Rule 36B can only take place where, in the first instance, there is a recommendation, and that recommendation has been set at naught by the Assembly, or an amendment has been accepted inconsistent with that, and thereupon the Member in charge of the Bill moves an amendment. There is also another point of order which I would raise. This point which I raise was not raised on the last occasion in 1925. The point is this. Section 67A really deals with financial proposals both as to revenue and as to expenditure. Section 67B deals with Bills other than Bills dealing with financial proposals. In the case of financial proposals, whether it is by way of ways and means or whether it is by way

(2522)

of expenditure, I submit, there cannot be any such thing as a recommendation. That is my submission. The reason is this that section 67B deals generally with all Bills, and section 67A deals with budget provisions in the Finance Bill. It is merely supplemental and implements the budget provisions. Therefore I submit, *generalia specialibus non derogant*, section 67A is a self-contained thing. It is a code in itself. It deals with all the financial proposals, one way or the other, and you cannot take advantage of a general provision like 67B, which applies to all possible Bills, for a Bill for which an express and specific provision has been made by Parliament in section 67B. These are the two reasons why I object to the motion which has been made.

The Honourable Sir Brojendra Mitter: Sir, two objections have been raised. I shall deal with the second first. Section 67A of the Government of India Act deals with the budget. The first clause is:

"The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year"

and then detailed provisions are made in the subsequent clauses. Therefore that deals with the estimated annual expenditure and revenue. The Finance Bill is not the estimated annual expenditure and revenue.

Mr. S. Srinivasa Iyengar: It is revenue.

The Honourable Sir Brojendra Mitter: It is not the estimated annual expenditure and revenue.

Mr. A. Rangaswami Iyengar (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Revenue certainly.

The Honourable Sir Brojendra Mitter: I am not to be cross-examined. I am making my submission to the Chair. I am not addressing the House. My submission is this—that section 67A has no bearing whatsoever on the present amendment. Now, with regard to the other objection, it is equally frivolous. The object of Legislative Rule 36B(3) is this. The Member in charge of the Bill may move any amendment for the purpose of bringing the Bill into the recommended form. That is the right of the Member in charge of the Bill. Now, two conditions have got to be satisfied before he can exercise the right and those two conditions are contained in the earlier part of the clause. First, where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof. This condition has been satisfied, because the Governor General has made a recommendation. The next is:

"and any clause of the Bill has been agreed to, or any amendment has been made, in a form inconsistent with the form recommended."

Now, in the present instance, an amendment to the Bill has been made which is inconsistent with the recommended form. That being so, my submission is that both the conditions have been fulfilled, which entitle the Member in charge of the Bill to move his amendment. Therefore, the amendment is in order.

Mr. A. Rangaswami Iyengar: Sir, I am surprised that the Law Member should consider an objection on a matter of this extraordinary kind frivolous. I am very sorry that he should have thought so in respect of a matter

[Mr. A. Rangaswami Iyengar.]

in which the fundamental rights of this Legislature have been sought to be taken away by this extraordinary and unheard of procedure. The Honourable the Law Member has said that the two conditions of the rule have been satisfied. I would ask you, Sir, to read the section as it stands. Clause (8) of Section 119 says:

"Where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof . . ."

That is the first thing to happen. And subsequent to it:

"And any clause of the Bill has been agreed to, or any amendment has been made . . ."

That is something which we have done. Subsequent to that recommendation, we should have amended the Bill in a form inconsistent with the form recommended. That is the thing that should have happened before the Honourable Member told us of his intention to move that it should be restored in a form consistent with the recommendation.

Sir, it is not seen why this strange interpretation of the rule should be put by the Government. The Government have, in respect of this matter, on a similar occasion, moved the other House, got the duty restored, and have asked us to approve of the decision of the Council of State. For instance, in 1923, when the Government found that the increased salt duty was rejected by this House, they went to the other House, had the duty restored, and when it came back, it was put before us by means of a motion. That would be the occasion when a recommendation could be lawfully made in accordance with this rule, and when it was made, this House rejected it, and thereafter the certification procedure was applied. Similarly in 1927, when we reduced the salt duty from Rs. 1-4 to Re. 1, and the Council of State restored it, the Governor General thought it unnecessary to make any recommendation. But so far as the rule goes, it seems to be perfectly clear that at this stage the Honourable the Finance Member is not right to move that the amendment which we made be brought up again by means of a motion at this stage, by reason of the fact that the recommendation is subsequent to the time when we considered the original motion, and that therefore we may not do it. It is making the whole thing so thoroughly ridiculous that I am sure you will support the point of order.

The Honourable Mr. J. Crerar: Sir, I have only one observation to make in regard to what has fallen from the Honourable Member who has raised this point of order. I would invite your attention to the plain words of the rule:

"Where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made . . ."

It is quite clear that the recommendation should be anterior to the amendment referred to. The matter was, I think, taken up in precisely the same form in the year 1925, and the ruling of your predecessor was in accordance with the view which I have ventured to express.

Mr. President: There was no ruling on that point.

The Honourable Mr. J. Crerar: The action taken by your predecessor was in accordance with the view of the rule I have put forward.

Mr. President: There is one point which I would like the Honourable Member to explain. His contention is that the action of the Governor General, that is, the recommendation of the Governor General must precede the amendment made by the Assembly. If that is so, what is the meaning of the latter part of the sub-rule giving power to the Member in charge to move an amendment?

Mr. S. Srinivasa Iyengar: The point is this, Mr. President. The amendment which we made is an amendment which has transformed the Bill and has made it different from the Bill which was introduced. Therefore, though generally, an amendment which has been adopted by the Assembly cannot be, by direct negative, rejected, that is, you cannot bring it up again, this rule gives the Finance Member, as the Member in charge of the Bill, right to move the opposite of it, in order to restore the clause as it stood. The words "has been made, in a form inconsistent with the form recommended" do not mean in a form inconsistent with a form to be recommended or which will thereafter be recommended. Those are words which are not there and that would really be driving a coach and four through this rule.

Mr. President: I am not able to get a satisfactory explanation.

Mr. S. Srinivasa Iyengar: The explanation is that the Member in charge of the Bill moves by way of an amendment the substantive clause which is not in the Bill as finally adopted by the Assembly. He puts in his amendment and therefore the amendment makes the Bill different from the Bill recommended to the Assembly. The Finance Member, by virtue of this rule, brings, by way of amendment, the clause which should have been passed according to the Governor General's ruling, therefore I do not see how there is any difficulty in this. It is an amendment to an amendment made by the House. The amendment made by the House is in defiance of the recommendation of the Governor General. The House does not listen to the Governor General and passes a different provision. The Governor General says "My recommendation has been upset", therefore this amendment, which gives the House an opportunity of reconsidering this motion.

Mr. President: Supposing the recommendation had come before clause 2 was amended, and the Assembly subsequently reduced the salt duty to Re. 1, what would be the subsequent procedure?

Mr. S. Srinivasa Iyengar: At once to move an amendment that it be made into Re. 1-4.

Mr. President: In spite of the fact that the Assembly has chosen deliberately to set aside the recommendation and to carry the amendment reducing the tax to Re. 1?

Mr. S. Srinivasa Iyengar: It is perfectly open to the Governor General to accept that amendment which is made. The rejection of the amendment by the Assembly is a rejection which does not attack automatically the amendment which is to be made. A *locus penitentia* is given to the Governor General, whether he wants that this rejection should be set at naught, and if he still persists, then the Assembly votes it or does not vote it. Then comes certification. There are two stages. The first is recommendation. The Assembly has an opportunity of accepting it, but it is only a recommendation.

Mr. President: The Assembly has rejected the recommendation. Does that not then end the matter?

Mr. S. Srinivasa Iyengar: No. It is open to the Governor General to insist that the amendment should be made. I am relying on the ordinary grammatical interpretation.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): On the plain language of the rule,
4 P.M. Sir, it seems to me to be quite evident what its real meaning is. The carrying of an amendment should be a conscious act on the part of the Assembly of doing something inconsistent with something that has been done by the Governor General. That is to say, the amendment must be passed by the Assembly in spite of the fact that the Assembly is aware that there is a recommendation by the Governor General that it should be adopted in a different form. Now comes the question you have just put; why is it that the Honourable Member in charge is given an opportunity of moving amendments. If he were not given the opportunity of moving amendments, then of course there is the amendment which has been carried

Mr. President: In spite of the recommendation.

Pandit Motilal Nehru: Yes, how is the Act to be a recommendation of that amendment because it is carried in spite of the amendment.

Mr. President: Nothing comes from the Governor General in between for the Assembly to change its view?

Pandit Motilal Nehru: Therefore it is the Honourable Member in charge is given power to move, so to speak, an amendment to that amendment, in order to give effect to the recommendations of the Governor General. There seems to be some meaning in giving effect to that recommendation, for that recommendation is given effect to by the Governor General himself by certifying, or it is given effect to by special procedure which is prescribed. I submit that the special procedure which is prescribed is this, that the Honourable Member in charge, when the amendment has been carried, in spite of the recommendation, has a right to move to consider the matter. It may be that the Governor General may change his mind or he may instruct the Member in charge not to move his amendment at all. But if he, as my Honourable friend put it, persists, then there is a summary procedure prescribed and he has simply to get up and move the amendment, that is, the clause as recommended be passed, and the amendment carried by the Assembly be set at naught. I submit the additional procedure which has been prescribed for this special case is merely to save time, whatever the cause may be. The words are quite clear. When we are passing an amendment, we must be doing it, knowing that it is going against something. There must be some pre-existing recommendation.

Mr. President: There is great force in what the Leader of the Opposition says, but my difficulty is this. I am not able to reconcile the latter part of the sub-rule empowering the Honourable the Finance Member to move an amendment in spite of the fact that the Assembly has already made alteration in the Bill inconsistent with the recommendation. It seems to me to be meaningless.

Mr. S. Srinivasa Iyengar: That is the option.

Pandit Motilal Nehru: Or the Government might certify or they may take it to the other House. All these procedures are open. It is only an additional string to the bow of Government.

Mr. A. Rangaswami Iyengar: May I say one word on this point?

Mr. President: The Honourable Member is not entitled to speak twice.

The Honourable Sir George Schuster: I venture to submit that the interpretation which Honourable Members opposite seek to put upon this clause would make the words used entirely meaningless. They would be forcing the words used into a meaning which, in the proper sense of the English language, they could not bear, and which would rob the clause itself of every kind of practical effect. Sir, the words used are:

"Where during the passage of a Bill in either Chamber the Governor General *makes* a recommendation in respect thereof,"

that is to say, the present tense is used; then the rule proceeds:

"and any clause of the Bill *has* been agreed to, or any amendment *has* been made in a form inconsistent with the form recommended,"

that is to say, the past tense is used. The two acts do not synchronise and are not intended to synchronise. The passing of "an amendment in a form inconsistent" with the recommendation is anterior to the recommendation. I cannot see how Honourable Members can put any other construction on these words. Then, Sir, how is it possible to give any practical effect to the clause if it means anything different to what I submit. At what stage is the Governor General to make a recommendation if we are to accept the interpretation that Honourable Members seek to put on the clause? Is the Finance Bill to be introduced in its original form as a recommended measure? Sir, the way in which I interpret the procedure is this. There are, in the form of procedure which we are following now, three steps. The Government brings in a Bill, that is a Bill supported by Government. It is not technically recommended by the Governor General, but it is a Bill supported by the Government, and the opposition amends that Bill. It reduces it to a different form from that in which the Government proposed it. The Government thinks that it is necessary to restore the Bill to its original form. The Governor General sends back the Bill to this House as a recommended Bill and the Member in charge in order to give effect to the Governor General's recommendation has to move an amendment to the Bill as it stands after having been dealt with and amended by this House. Honourable Members then have an ample opportunity to debate the amendment moved by the Member in charge. If they again reject the amendment then the fact that the Bill has become a recommended Bill gives to the Governor General the power of certification. The recommendation of the Governor General is a necessary preliminary for making available his powers of certification. But if the section is to be interpreted as suggested by my Honourable friends opposite, those powers could never arise at all, and the whole section would in effect, be null and void. I do submit, Sir, that both on a proper interpretation of the language used, and also, having regard to what is the obvious

[Sir George Schuster.]

intention of the section, the objection of my Honourable friends opposite cannot succeed, and the difficulty which you, Sir, feel, I think points to the realities of the case.

Mr. President: I think there is no particular urgency requiring me to give my decision on this point of order at once because in any case the Bill is not likely to be finished today and I hope the House will not be inconvenienced if I reserve my decision till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 28th March, 1929.

LEGISLATIVE ASSEMBLY.

Thursday, 28th March, 1929.

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

QUESTIONS AND ANSWERS.

RESOLUTION REGARDING BACKWARD TRACTS IN THE PROVINCE OF BIHAR AND ORISSA.

1292. ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state what steps they have hitherto taken on the Resolution of this Assembly, passed on the 10th February, 1927, regarding the backward tracts in the Province of Bihar and Orissa?

(b) Will Government lay on the table all the correspondence that passed between the Government of India on the one side and the Secretary of State for India and the Bihar Government on the other?

(c) Will Government be pleased to state their own attitude towards the said Resolution, and whether they accept it or not? If the reply be in the affirmative, when do they propose to give effect to it? If they do not, why not?

The Honourable Mr. J. Orerar: (a) The Honourable Member is referred to the reply given by Sir Alexander Muddiman to Mr. Siddheswar Prasad Sinha's question No. 885 on the 12th March, 1927, and the reply which I gave to his question No. 554 on the 29th of August, 1927.

(b) Government are not prepared to do so.

(c) The attitude of Government in this matter was fully stated by Sir Alexander Muddiman in the debate on the Resolution of the 10th of February, 1927, of which the Honourable Member's perusal is invited.

Kumar Ganganand Sinha: Is not the Honourable Member aware that his predecessor and he himself did not say anything as to why it is not proposed to exclude at least the Dikku tract from the tracts which are under special regulation?

The Honourable Mr. J. Orerar: The case on behalf of the Government was fully stated in the debate to which I invite the attention of the Honourable Member.

Kumar Ganganand Sinha: It is not stated there, Sir; may I point this out to the Honourable Member?

The Honourable Mr. J. Orerar: The attitude of the Government was stated in it.

Kumar Ganganand Sinha: Yes, the attitude of the Government was stated in it; but the Honourable Member did not say why those tracts which are not predominately populated by the Santhals—that is, those tracts which are called Dikku tracts—are brought within the same regulations as those which are populated by the Santhals mostly.

Mr. President: That is a very involved question.

Mr. Ram Narayan Singh: Will Government kindly state definitely what is their decision or their remarks or recommendations on the subject?

The Honourable Mr. J. Orerar: I cannot add anything to the very full statement, which was made by my predecessor.

Mr. Siddheswar Prasad Sinha: Is it not a fact that some changes were introduced in one or two districts after the Resolution was passed in this House?

The Honourable Mr. J. Orerar: I have no information to that effect.

FILLING OF THE POST OF ACCOUNTANT AND CASHIER OF THE GOVERNMENT OF INDIA PRESS, DELHI.

1293. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state if the post of the accountant and cashier has fallen vacant in the Government Press, Delhi? If so, is it a fact that influence is being brought to bear on the Controller of Printing and the Manager of the Press by certain Moslem individuals and associations to overlook the claims to promotion of qualified men already employed in the Press?

(b) Is it a fact that a Moslem deputation waited on the Controller of Printing in this connection last month with applications from their relatives? If so, what was the reply given by the Controller to the deputation?

(c) Is it a fact that the Moslem Association, Delhi, has addressed the Controller of Printing several communications on the subject and also nominated their own candidate for the post?

(d) Is it a fact that Honourable Members of the Council of State have written letters to the Controller of Printing and the latter has replied to these letters? If so, will Government be pleased to place a copy of the correspondence on the table?

(e) Is the Controller of Printing bound to act upon certain instructions issued by the Home Department regarding departmental promotions or is he to comply with the demands of the Moslem deputations or other individuals to fill the appointment in a certain way?

(f) Will men with good qualifications, already working in the Government of India Press, Delhi, with fifteen to twenty years' service in the Press, be deprived of promotion to the higher vacant post in the chain of arrangements?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Representations on the subject were received by the Controller of Printing, and the Manager of the Press from a certain Moslem Association and from certain Moslem gentlemen urging the appointment of a Muhammadan to the post.

(b) Yes; the Controller of Printing informed the deputation that the applications would be considered along with others.

(c) Yes.

(d) The Controller reports that he received a letter from an Honourable Member of the Council of State, to which he sent a suitable reply. Government regret that they are unable to place a copy of the correspondence on the table.

(e) Yes; the Controller of Printing is following the instructions issued by the Government of India.

(f) The post is still vacant and the claims of all will be duly considered by the Controller.

INCREASED RECRUITMENT OF HINDUS TO THE INDUSTRIAL SECTIONS OF THE GOVERNMENT PRESS AT DELHI.

1294. ***Mr. Mukhtar Singh:** Is it a fact that the proportion of Muhammadans in the industrial Branch, Government Printing, Delhi, is very high, and that Hindus hold less than half the posts in the same? If it is so, are Government prepared to issue orders for increased recruitment of Hindus?

The Honourable Sir Bhupendra Nath Mitra: The percentage of Muhammadan employees in the industrial staff of the Delhi Press is somewhat higher than that of Hindu employees. It has recently been decided to apply the orders relating to the appointment of members of minority communities to the industrial establishment in the Government of India Presses. Government do not propose to issue orders on the lines suggested by the Honourable Member.

POLICY OF THE GOVERNMENT OF INDIA IN REGARD TO THE REDISTRIBUTION OF PROVINCES.

1295. ***Maulvi Muhammad Yakub** (a) What is the policy of the Government of India as regards the redistribution of provinces?

(b) Is it a fact that linguistic or racial considerations do not form the basis of the territorial changes in India?

(c) Is it the policy of the Government of India that only self-supporting territories can be formed into separate provinces?

(d) Is the North-West Frontier Province a self-supporting province?

(e) What recommendation, if any, have the Government of India made in their memorandum to the Simon Commission about the separation of Sind?

The Honourable Mr. J. Orerar: (a) and (b). The attention of the Honourable Member is invited to the introductory note presented to the Indian Statutory Commission by the Government of India on claims which have been made to redistributions of provincial territories on a racial or linguistic basis, of which a copy has been placed in the Library.

(c) Government have made no recommendations for the formation of new provinces.

(d) Revenues accruing in the North-West Frontier Province do not balance the expenditure incurred in the Province.

(e) No memorandum on the separation of Sind has been submitted to the Statutory Commission by the Government of India.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us whether all the provinces, major and minor, are self-supporting in this country?

The Honourable Mr. J. Crerar: I have given one instance, Sir.

INTRODUCTION OF REFORMS ON THE LINES OF THE MINTO-MORLEY REFORMS IN THE NORTH-WEST FRONTIER PROVINCE.

1296. ***Maulvi Muhammad Yakub:** (a) Is it a fact that the Government of India have recommended the introduction of reforms in the North-West Frontier Province on the lines of the Minto-Morley scheme of reforms?

(b) Have the people of the North-West Frontier Province ever demanded reforms on the lines of the Minto-Morley scheme of reforms?

(c) Did Government consult the people of the North-West Frontier Province before making the above recommendation? If not, why not?

Sir Denys Bray: (a) No, Sir.

(b) Various proposals from "full Reforms" to "no Reforms" have been put forward at various times by various sections of the people.

(c) In view of the answer to (a), (c) does not arise.

CORRECTNESS OF SUMMARY PUBLISHED IN THE "HINDUSTAN TIMES" OF THE GOVERNMENT OF INDIA'S MEMORANDUM TO THE SIMON COMMISSION.

1297. ***Maulvi Muhammad Yakub:** (a) Have Government seen the summary of the Government of India's memorandum to the Simon Commission published in the *Hindustan Times*, dated the 14th March, 1929?

(b) Is that summary a correct one?

The Honourable Mr. J. Crerar: (a) The Government of India have supplied the Indian Statutory Commission with memoranda on the subjects shown on the list which I lay on the table. A copy of each of these memoranda has been placed in the Library for the information of Honourable Members.

List of Memoranda submitted by the Government of India to the Indian Statutory Commission.

1. A short sketch of the existing reformed constitution.
2. A short sketch of the operation of the constitution in the Central Government.
3. A note on communal disorders.
4. Communal representation in the legislatures and local bodies.
5. The present representation of Commerce, Industry, Labour, Education and other interests in the provincial and central legislatures.
6. The recommendations of the Reforms Inquiry Committee.
7. Some instances in which the question of the powers of the Government of India to administer or control particular subjects has arisen.

8. Agency.
9. Premature interference of the courts with the legislatures.
10. The system of Government in the North-West Frontier Province.
11. The Delhi Province.
12. The Andaman and Nicobar Islands.
13. Coorg.
14. Introductory Note on claims made to redistributions of provincial territories on a racial or linguistic basis.
15. The formation of a separate Andhra province.
16. The formation of a separate Tamil province.
17. The formation of a separate Kanada province.
18. The amalgamation of the Oriya-speaking peoples.
19. The transfer of Sylhet from Assam to Bengal.
20. The position of the High Courts.
21. The depressed classes.
22. The Superior Civil Services.
23. The Public Service Commission.
24. The Division of the sources of revenue between the Central Government and the provincial Governments.
25. Financial relations between the Central Government and the provincial Governments (parts A, B, C, D, E, F, G, H, J).
26. The development and working of representative institutions in the sphere of local self-government.
27. The growth of education.
28. Status and position of India in the British Empire.
29. Baluchistan.
30. Ajmer-Merwara.
31. The position of Governors in regard to Indian States not in direct relations with the Governor General in Council.
32. The State and Industry.

ACTIVITIES OF THE MAHAJAN ASSOCIATION.

1298. ***Mr. Siddheswar Prasad Sinha:** Has the Mahajan Association kept the Government of Bombay and this Government informed fully of their activities ever since its incorporation in 1925?

The Honourable Sir George Rainy: The Government of India have received from the Association a copy of its Second Annual Report. I am unable to say whether the Association has kept the Government of Bombay fully informed of its activities.

RULES FOR THE GRANT OF WINTER ALLOWANCE TO ARMY HEADQUARTERS ESTABLISHMENT IN SIMLA.

1299. ***Mr. Siddheswar Prasad Sinha:** (a) What is the object of the grant of winter allowance to the Army Headquarters establishment in Simla?

(b) Is it a fact that the allowance is granted for extra expenses on heating arrangements incurred at Simla during the winter?

(c) Is it a fact that, in some of the branches of the Army Headquarters, the practice is to grant this allowance to clerks, even when they are not actually on duty in Simla, and their substitutes are deprived of it?

(d) Do Government propose to issue instructions that the allowance should be granted only to those permanent or officiating clerks who have been actually on duty during the last winter season?

Mr. G. M. Young: (a) and (b). The object of the winter allowance in Simla is to assist those to whom it is admissible to meet the extra expense on such things as fuel and clothing entailed by the cold weather.

(c) Yes, during privilege leave only. This is permissible under the existing rules, which are discretionary.

(d) I will consider the Honourable Member's suggestion so far as Army Headquarters are concerned, but I cannot promise that it will be carried out.

GRANT OF HOUSE-RENT TO CLERKS OF THE GOVERNMENT OF INDIA MAKING PRIVATE ARRANGEMENTS FOR RESIDENCE IN NEW DELHI.

1300. ***Mr. Siddheswar Prasad Sinha:** (a) What is the present rate of house-rent allowed to the clerks of the Government of India offices who, for want of Government residential quarters in New Delhi, have to make their private arrangements in Delhi City?

(b) Is it a fact that this house-rent is not allowed to those who make their private arrangements for residence in New Delhi in quarters other than Government quarters? If so, why?

(c) When do Government propose to consider the advisability of the grant of house-rent allowance to all who are not provided with Government quarters irrespective of the fact where they make their private arrangements?

The Honourable Mr. J. Orerar: (a) I am sending the Honourable Member a statement showing the rates of Delhi house-rent allowance admissible, in certain circumstances, to the clerks living in Delhi City.

(b) Yes. Because the conditions in New Delhi are not the same as in the city.

(c) No such action is at present contemplated.

PROVISION OF AN ELECTRIC POINT IN THE GODOWN ROOM OF "D" CLASS QUARTERS IN NEW DELHI.

1301. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that no electric point is provided in the godown room of "D" class quarters in New Delhi?

(b) Are Government aware that this causes great inconvenience to the occupants of the quarters?

(c) When do Government propose to remove this general grievance?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply is in the affirmative.

(b) and (c). The matter is at present under consideration.

SPREAD OF TUBERCULOSIS IN PESHAWAR DUE TO CONGESTION OF THE CITY.

1302. ***Mr. A. H. Ghuznavi:** Is it a fact that:

(a) a house to house search had recently been conducted in the town of Peshawar under the orders of the Chief Medical Officer, North-West Frontier Province, and it had been discovered that 3,000 tuberculosis cases had actually been present in that City, and

(b) the Chief Medical Officer has given congestion of the City as one of the main reasons for the spread of tuberculosis, and has asked for a special hospital at Peshawar, and a sanitarium at Haripur?

Mr. G. S. Bajpai: With your permission, Sir, I shall answer questions Nos. 1302 and 1303 together.

The Honourable Member's attention is invited to the reply given on the 22nd instant to Mr. Muhammad Ismail Khan's question No. 1189. As regards sub-part (5) of part (b) of question No. 1303, the number of applications so far received is not even one-half of the number suggested by the Honourable Member.

EXTENSION OF PESHAWAR CITY.

†1303. ***Mr. A. H. Ghuznavi:** (a) Will Government be pleased to state when the wall round Peshawar City was built and by how much the population has increased within its enclosures since the wall was built?

(b) Is it a fact that:

(1) since the wall was built, no efforts have ever been made to remove the congestion by expansion of the City;

(2) owing to insecurity of life and property, no one can reside outside the wall and start an extension of the town, unless and until the area is first made secure by barbed wire perimeter and police patrol and postal arrangements;

(3) the Cantonment of Peshawar is being similarly guarded as mentioned in part (b) (2) above;

(4) the local Municipality has only now decided to add about twenty acres of land to the City;

(5) about 2,000 applications have since been received for the purchase of this small plot to build houses thereon?

(6) the proposed accommodation is not at all adequate?

FOUNDING OF A CIVIL STATION OUTSIDE PESHAWAR CITY.

1304. ***Mr. A. H. Ghuznavi:** (a) Will Government be pleased to state if it is not a fact that there is a tendency on the part of the rich residents of the town to live in the Cantonment of Peshawar with a view to avoiding the congested life in the City and thus escape from imminent danger by paying even fabulous prices for bungalows for their residence?

† For answer to this question, see answer to question No. 1302.

(b) Is it not a fact that this has resulted in a situation created between the military authorities and the Indian residents in Peshawar Cantonment, the former being apprehensive of room in the Cantonment getting cramped by this tendency?

(c) Will Government be pleased to lay on the table a copy of the correspondence which took place on the subject between the House Owners' Association, Peshawar Cantonment, and the military authorities?

(d) Is it not a fact that the Deputy Secretary, and subsequently the Secretary to the Government of India, Army Department, himself proceeded to Peshawar to discuss the matter with the House Owners' Association?

(e) Is it not a fact that it was proposed by the Secretary to the Government of India, Army Department, at the interview, that the military authorities would arrange with the Local Government for the formation of a civil station and for such guarding and other arrangements of the same as the Cantonment itself, if the house-owners so wished?

(f) Will Government be pleased to state what steps will be taken for the founding of a substantial civil station outside Peshawar City?

Mr. G. M. Young: This question was asked, in identical terms, by Diwan Chaman Lall on the 18th March. I would refer the Honourable Member to the answer given on that date, and also to the reply given to Mr. Muhammad Ismail Khan's question No. 1190 on March 22nd.

Dr. B. S. Moonje: May I be allowed to ask the questions, Sir, standing in the name of Pandit Hirday Nath Kunzru?

Mr. President: Dr. B. S. Moonje.

RULES FOR MEDICAL ATTENDANCE FOR ANGLO-INDIANS AND INDIANS ON THE EAST INDIAN RAILWAY.

1305. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru): (a) Is it a fact that, under the rules in force on the East Indian Railway, wives and children of European and Anglo-Indian subordinates drawing a salary of less than Rs. 250 per mensem are entitled to the gratuitous attendance of the sub-assistant surgeon at their houses?

(b) Is it a fact that in cases of sickness among the families of Indian employees, it shall be the duty of the sub-assistant surgeon to give such attendance as may be necessary "who shall not charge any fees in the case of any Indian employee whose pay is below Rs. 50 per mensem"?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 1305, 1307 and 1308 together. The provisions to which the Honourable Member refers in the first two appear in the Hand Book of General Rules and Regulations for all departments of the East Indian Railway to which the last question relates. The copy of this Hand Book, which is available in the Railway Board's office, is dated 1916 and must no doubt have been subjected to serious alterations since then. The Agent is aware of the policy of the Government of India, that all traces of racial discrimination should be completely eliminated, and is no doubt taking steps to remove such remnants as still remain. I am sending him a copy of the Honourable Member's questions for necessary action.

Dr. B. S. Moonje: Will the Honourable Member please state the reasons why Anglo-Indians getting less than Rs. 250 per month have a right to have their families treated gratis, whilst no such right has been granted to the Indians?

Mr. P. R. Rau: I cannot enter into past history, Sir. I have already told the Honourable Member what the present policy of the Government is.

Munshi Iswar Saran: What recommendation, may I know, have the Government of India made to the Agent of the East Indian Railway?

Mr. P. R. Rau: The Government of India have informed the Agent that all traces of racial discrimination should be completely eliminated.

Munshi Iswar Saran: May I know what specific recommendation has been made in regard to the matters mentioned in this question?

Mr. P. R. Rau: The Government propose to send a copy of this question to the Agent and ask him to remove all traces of discrimination.

Munshi Iswar Saran: Are we to understand that Government will send this question to the Agent, and ask him to remove the grievances mentioned in it?

Mr. P. R. Rau: Yes.

PROVISION FOR INDIAN MATERNITY CASES IN HOSPITALS AT STATIONS ON THE EAST INDIAN RAILWAY.

1306. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru): (a) What steps have the East Indian Railway so far taken to make suitable provision for Indian maternity cases in their hospitals?

(b) Will Government state the names of the stations in which such provision has been made and the fees required to be paid in such cases?

Mr. P. R. Rau: (a) The Agent, East Indian Railway, reported, some time ago, that maternity cases of any nationality are admitted to the East Indian Railway hospitals, in which nursing staff are stationed, and should Indian employees apply for admittance of their maternity cases, they could be admitted where accommodation was available, and receive the attention of the medical staff, similar to that given to European and Anglo-Indian maternity cases.

(b) Government have no detailed information about the stations at which such provision is available, nor the fees to be paid, but will obtain the information from the Agent of the East Indian Railway and communicate it to the Honourable Member on receipt.

Dr. B. S. Moonje: Is it a fact that Anglo-Indians are given preference in the matter of accommodation while Indians have to take their chance if accommodation be available?

Mr. P. R. Rau: So far as I understand from the Agent's reply, it is not so.

DIFFERENCE IN PAYMENTS MADE TO ANGLO-INDIANS AND INDIANS FOR STUDY OF THE ST. JOHN'S AMBULANCE COURSE.

†1307. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):

(a) Is it a fact that, on the East Indian Railway, an Anglo-Indian employee attending a St. John's Ambulance lecture gets Rs. 2 per lecture while an Indian gets only eight annas per day?

(b) Is it also a fact that, while an Anglo-Indian employee, after passing the ambulance test at the end of the course of lectures, gets a reward of Rs. 15, an Indian employee gets only Rs. 5?

REVISION OF HANDBOOK OF RULES ON THE EAST INDIAN RAILWAY TO REMOVE RACIAL DISCRIMINATION.

†1308. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru): When do Government propose to revise the Hand-book of Rules in force on the East Indian Railway to remove all trace of racial discrimination in the rules?

NUMBERS AND NAMES OF CANDIDATES WHO APPEARED FOR AND PASSED THE EXAMINATION FOR SANDHURST, WOOLWICH AND CRANWELL.

1309. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):

(a) What was the total number of candidates who appeared for the last competitive examination for Sandhurst, Woolwich and Cranwell and how many of them were successful?

(b) Is it a fact that no candidates succeeded in the examination for Woolwich or Cranwell?

(c) Will Government place on the table a list showing the names of the candidates who were successful in the Sandhurst examination, together with the marks obtained by them in each subject and in the aggregate?

(d) Will Government place a similar statement on the table showing the marks obtained by those candidates for Woolwich and Cranwell who received more than the pass marks in their examination but failed in the oral examination?

(e) Did the candidates appear before a Committee for oral examination, if so, what are the names of the members of the Committee?

(f) Do Government propose to take steps to have the conduct of the oral examination entrusted to the Public Service Commission?

Mr. G. M. Young: (a) and (b). I presume the Honourable Member refers to Indian and Anglo-Indian candidates. 117 applications to sit at the examination held in November last were received by the Government of India. 75 were eligible and were accepted. Of the candidates accepted, some failed to present themselves for examination and others were found medically unfit. 59 candidates in all completed the examination, including 2 who sat for it in England. Of these, 7 were successful for Sandhurst. No candidate was successful for Woolwich. One candidate qualified for Cranwell, but had given Sandhurst as his first choice.

(c) and (d). The names of the successful candidates have already been published in the Press. The Civil Service Commissioners, who conduct the examination, issue a report on the examination, containing the papers

† For answer to this question, see answer to question No. 1305.

set, and the marks obtained in each subject by successful and unsuccessful candidates. The report is expected shortly and, when it is received, copies will be placed in the Library. The report will also be on sale to the public.

(e) Yes. They appeared before a Board composed of two senior officers of the Indian Army who have commanded Indian regiments, the Educational Commissioner with the Government of India, and a non-official Indian gentleman nominated by His Excellency the Viceroy. When candidates for Cranwell were under examination, the Board included also a senior officer of the Royal Air Force. The names of the members are as follows: Major-General Godwin, Major-General Barstow, Mr. Littlehales, and Nawab Sir Sahibzada Abdul Qaiyum. The Royal Air Force representative on the Board was Air Vice-Marshal Sir Geoffrey Salmond.

(f) It might be inferred from the Honourable Member's question that he is casting aspersions on the competence or good faith of the members constituting the oral Board; but I feel sure that this is not his intention. The Board is constituted exactly as recommended by the Indian Sandhurst Committee, in paragraph 27 of their Report, on the analogy of the Board in England, which consists of two senior military officers, one Civil Service Commissioner, and, in the case of Indian candidates, a representative of the India Office. There would, of course, be no difficulty in substituting a member of the Public Service Commission for the Educational Commissioner on the Board. But the Indian Sandhurst Committee presumably had good reasons for recommending the latter officer; nor can Government see what advantage would accrue from the change. I should add, that the Public Service Commission are freely consulted by the Civil Service Commissioners in regard to the whole examination.

Dr. B. S. Moonje: How many vacancies were there? How many were filled? And how many were not filled?

Mr. G. M. Young: As far as I remember, the vacancies were 10 for Sandhurst, 6 for Woolwich and 6 for Cranwell.

Dr. B. S. Moonje: How many were filled?

Mr. G. M. Young: I have answered that already. 7 qualified for Sandhurst.

Diwan Chaman Lall: May I ask the Honourable Member to give us the percentage of passes from these three Colleges of Indians and the similar percentage of English candidates who passed from these colleges in the same year?

Mr. G. M. Young: I must ask for notice of a question like that.

Diwan Chaman Lall: Is the Honourable Member aware that the percentage of failures of English candidates amounts to about 4 per cent., whereas the percentage of failures of Indian candidates amounts to about 88 per cent?

Mr. G. M. Young: I have not yet seen the results in the case of British candidates.

Diwan Chaman Lall: May I take it that the statement is correct or nearly correct, as I have stated it on the floor of this House, and that the Honourable Member will inquire into the reasons for such a high percentage of failures in the case of Indians?

Mr. G. M. Young: The Honourable Member cannot take it from me that his statement is correct. I have no means of checking it.

Diwan Chaman Lal: May I take it that the Honourable Member will supply me with the information when he has checked it?

Mr. G. M. Young: The results of the examination are published and will shortly reach India.

Diwan Chaman Lal: The Honourable Member has not given me the percentage regarding the English candidates, and I want to know if he is prepared to give me this?

Mr. G. M. Young: The results of the examination are published and will come to India. They will show the percentage of English candidates just as much as the percentage of Indian candidates.

The Revd. J. O. Chatterjee: May I ask if the marks awarded by this Board for interview and record will be published?

Mr. G. M. Young: If the Honourable Member had listened to my answer to the main question, he would have known that that is the case.

Diwan Chaman Lal: May I ask the Honourable Member whether he can supply any information to the House, why there has been such a high percentage of failures of Indians?

Mr. G. M. Young: I presume because candidates were not sufficiently highly qualified to pass.

Dr. B. S. Moonje: May I know, Sir, why candidates getting 796 and 850 marks have not been declared to have passed the examination when candidates obtaining 654 and 624 marks have been declared passed?

Mr. G. M. Young: The Honourable Member is quoting from a document which I have conveyed to him for information. The reason why candidates who obtained higher aggregates have not done as well as candidates with slightly lower aggregates is that the former did not qualify in the interview and the oral test as well as the written examination.

Dr. B. S. Moonje: In the interview some of these candidates got 190, 100 and 120 marks. How is it then that they are not regarded as having passed the examination?

Mr. G. M. Young: I think, if the Honourable Member will look at the head of the column he will see what are the minimum qualifying marks in each subject.

Dr. B. S. Moonje: The maximum marks are 400 in the interview and record, out of which 190, 100 and 120 marks have been obtained, and I should like to know why they have not been declared as passed?

Mr. G. M. Young: I must repeat what I have said, that if the Honourable Member looks at the head of the column I think he will find what is the minimum qualifying mark.

An Honourable Member: Why don't you say yourself.

Dr. B. S. Moonje: There is no such thing as a minimum qualifying number of marks in this. I should like to know what it is.

Diwan Chaman Lal: Has the Honourable Member got any information regarding the minimum qualifying marks?

Mr. G. M. Young: I have not got the statement with me, but I think it is 140.

Diwan Chaman Lal: May I ask the Honourable Member whether he is aware that a great deal of dissatisfaction exists in the minds of Honourable Members on this side of the House as to the state of affairs, which results in such a high percentage of failures of Indians, and whether he is aware that this is a matter probably of policy which has got to be looked into, and whether he is prepared to make a statement regarding the matter on the floor of this House?

Mr. G. M. Young: I have not entirely followed that question. It is of course a matter of dissatisfaction to everybody that a high percentage of Indian candidates should have failed at the examination. This is the first examination under the new system. The percentage of failures is certainly higher than it used to be under the old system; but a far larger number of candidates have appeared. Government will, of course, give their closest attention to the matter in order to see what the difficulties are and to rectify them. That was one of the reasons for the appointment of the Sandhurst Committee, to rectify the existing state of affairs, which was that the quality and quantity of Indian candidates coming forward for King's commissions were very poor.

Dr. B. S. Moonje: Will the Honourable Member state in detail the reasons why no candidates were selected for Woolwich when some of them have secured such high marks as 796 and 850 and in interview as high as 130? Will the Government state reasons in detail why such boys have not been selected?

Mr. G. M. Young: The only persons who could give reasons would be the persons who constituted the Examination Board.

Dr. B. S. Moonje: But there ought to be some reasons why the Board did not think them fit to be selected.

Mr. G. M. Young: Presumably, Sir, because they were not fit.

Diwan Chaman Lal: Is the Honourable Member prepared to institute an inquiry into this matter?

Mr. G. M. Young: Into what matter?

Diwan Chaman Lal: The matter of the dissatisfaction caused in the country in regard to the policy that is responsible for this high percentage of failures.

Dr. B. S. Moonje: Inquiry as regards the policy, the principles and the rules for the selection of Indian boys. We want clear and definite rules of selection?

Mr. G. M. Young: With regard to the Honourable Diwan Chaman Lal's question, I am afraid the matter is rather too vague, as stated by him, for me to undertake to institute an inquiry. As regards what my Honourable friend, Dr. Moonje, said, the method of examination was arrived at after very careful consideration; and if defects are found—and I do not for a moment suggest that that is likely to happen—if defects are found, of

course every endeavour will be made to rectify them. The main difficulty is that the candidates were not up to the standard. There is no doubt about that.

Colonel J. D. Crawford: Is it a fact that the Sandhurst Committee emphasised the necessity of maintaining the standard of efficiency?

Mr. G. M. Young: Several times, Sir, in the course of their Report.

Diwan Chaman Lall: Is the Honourable Member aware that, on this side of the House, it is felt that it is not a question of the standard of the candidates at all, but of the definite policy of preventing Indians from getting into the higher ranks of the Army?

Mr. G. M. Young: If my Honourable friend means that the standard forms no part of the policy, he is mistaken.

Diwan Chaman Lall: Is the Honourable Member aware that on the last occasion a young man who passed through Dehra Dun and stood first in his examination, was turned down through methods which I can only describe as disgraceful?

(No answer was given.)

TOTAL EXPENDITURE INCURRED ON THE PENINSULAR LOCOMOTIVE WORKS.

1310. ***Sir Darcy Lindsay:** With reference to the replies given to question No. 484, on the 19th March, 1928, will Government be pleased to state what has been the total expenditure to date on the Peninsular Locomotive Works and the following particulars?

- (a) Original purchase price, less amount realised on machinery and plant transferred or sold?
- (b) Total cost to date of additions to buildings, machinery, and plant;
- (c) Are the Works now complete? If not, what additional expenditure is proposed?
- (d) What is the present capital cost figure and have any interest charges been added?
- (e) Are all supervision, audit and other applicable overhead charges, including depreciation and interest on capital at charge, taken into account in arriving at costings of underframes? If so, what is the percentage added to actual works cost?
- (f) Is any proportion of the cost of maintenance of the Railway Board debited to these Works?
- (g) What is the average cost respectively of broad gauge and metre gauge underframes plus percentage for overheads as detailed, and how many of each were completed in the year 1928 to which the cost given refers?
- (h) Are underframes manufactured at these Works required to pass the same rigid inspection test by the Inspection Department of the Government of India as is the case with private manufacture?

(i) Have any tenders been recently invited from any firm or works in India for underframes, and if so, what is the difference in price, if any, in comparison with costings at these Works?

(j) Are the accounts at these works maintained on a commercial basis and the purchasing railways charged with full cost of manufacture and overheads?

Mr. P. R. Rau: (a) to (d). The purchase price of the Works amounted to 20 lakhs. The value actually realised on machinery and plant transferred or sold is not available in the Railway Board's Office. This information, as well as the information asked for in parts (b), (c) and (d) of the question, is being obtained from the Agent, East Indian Railway, and will be communicated to the Honourable Member on receipt.

(e) The answer to the first part of the question is in the affirmative. As the Honourable Member is no doubt aware, the actual percentage that the total overhead charges bear to the works cost depends upon the number of underframes actually manufactured during any particular year, but it has been estimated that, if the number of underframes manufactured is equivalent to the output for which the works have been laid out, which is about 550 per annum, the percentage of overhead charges (including depreciation, interest on capital and headquarters supervision and office charges) to the actual works cost, which includes the total cost of material, wages of labour and supervision at works, would be slightly over 8 per cent.

(f) The percentage of overhead charges added takes into account the cost of administrative supervision, including that of the Railway Board.

(g) No metre gauge underframes have yet been undertaken at Tatanagar and no broad gauge underframes were completed in the year 1928.

(h) Yes.

(i) Tenders were called for recently and the lowest tender was Rs. 745 above the estimated cost of an underframe manufactured at the Works.

(j) Yes.

CONFIRMATION OF TEMPORARY CLERKS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1311. ***Mr. S. O. Mitra:** Is it a fact that the clerical staff of the Government of India Press, Delhi, was reorganised in 1927, and that there are still certain clerks on a temporary basis with more than 12 years' continuous service to their credit who have not been confirmed? If so, will Government be pleased to state their names and the reasons why they have not yet been confirmed since the last reorganisation?

The Honourable Sir Bhupendra Nath Mitra: Yes, Sir. Government understand that there is only one clerk in the Government of India Press, Delhi, who has not yet been confirmed. He was lately sent before the medical authorities who reported that he needed treatment for pyorrhea before he could be considered for permanent employment.

INCREASE OF WORK IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1312. ***Mr. S. O. Mitra:** Is it a fact that, since the reorganisation of 1927, work which used to be done by the Provincial Presses, has been allotted to the Delhi Press? If so, is it a fact that it has consequently increased the work of the clerical staff?

FILLING OF APPOINTMENTS IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.

1320. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that a competitive examination for the Office of the Controller of Railway Accounts has been held, although 44 graduates who passed the last Subordinate Railway Accounts Service Competitive Examination (Part I) are still unprovided for? If so, what is the reason for holding the examination?

(b) Is it a fact that, by the aforesaid examination, Government want to afford facilities to those Anglo-Indians who could not compete successfully at the last competitive examination with the graduates of Indian Universities?

(c) Do Government intend to consider the advisability of providing the aforesaid 44 graduates in preference to new men?

Mr. P. R. Rau: (a) An examination will be held by the Controller of Railway Accounts for the recruitment of clerks to the accounts offices under the control of the Financial Commissioner of Railways, in April next, under rules approved by the Standing Finance Committee for Railways. The syllabus for this examination differs from the syllabus for the competitive examination referred to by the Honourable Member. I should add also that candidates who passed the latter examination, which was held in May last, but did not pass high enough to get the guaranteed appointments, have no claims to any appointments under Government.

(b) No.

(c) No. It was open to any of them who was eligible under the rules, to apply for admission to the examination to be held by the Controller of Railway Accounts in April.

NUMBERS OF BACHELORS OF COMMERCE RECRUITED BY THE IMPERIAL BANK OF INDIA AND BY CO-OPERATIVE CREDIT SOCIETIES.

1321. ***Mr. Siddheswar Prasad Sinha:** Will Government state the number of Bachelors of Commerce so far recruited by the Imperial Bank of India and the Co-operative Credit Societies?

The Honourable Sir George Schuster: The Government of India do not possess the information asked for by the Honourable Member.

Munshi Iswar Saran: Will Government get the information?

The Honourable Sir George Schuster: No, Sir; they will not get the information. The Imperial Bank is a private institution and co-operative credit societies are a transferred subject under provincial administrations. The Government do not think it worth while to circularise them for the sake of getting this information.

Mr. B. Das: Is the Honourable Member aware that there was an understanding with the Imperial Bank to take, every year, a certain number of probationers and that Bachelor of Commerce is the only degree in India which entitles Indians to get into the service of the Imperial Bank?

The Honourable Sir George Schuster: Sir, I am not aware of the facts stated by my Honourable friend.

Mr. B. Das: Will the Honourable Member kindly inquire into the files in his Department?

The Honourable Sir George Schuster: I will make inquiries

REFUSAL OF ADMISSION OF INDIAN BACHELORS OF COMMERCE TO THE INDIAN INSTITUTE OF BANKERS, BOMBAY.

1322. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that, in the Indian Institute of Bankers recently opened at Bombay, several Bachelors of Commerce of Indian Universities were refused admission?

(b) If so, was it due to racial discrimination? If not, what was it due to?

(c) Do Government propose to remedy this state of affairs?

The Honourable Sir George Schuster: Government do not possess the information which the Honourable Member requires. The Institution is a private one, with which Government have no connection, and if the Honourable Member wishes to pursue his inquiry, I think his only course will be to write direct to the Secretary of the Institute.

APPOINTMENT OF BACHELORS OF COMMERCE AS INCOME-TAX OFFICERS.

1323. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state if Bachelors of Commerce, with specialised academic training in income-tax law and accounts, are recruited to the post of income-tax officer? If not, why not?

(b) Are Government aware that the Income-tax Commissioner of the United Provinces did not take a single Bachelor of Commerce for the post of income-tax officer?

(c) Is it a fact that Bachelors of Arts and Bachelors of Science of the first division are given preference to Bachelors of Commerce of the first division?

(d) Do Government propose to give preference to Bachelors of Commerce over Bachelors of Arts and Bachelors of Science in the matter of appointment to the post of Income-tax officers?

The Honourable Sir George Schuster: (a) Bachelors of Commerce have been recruited for the post of income-tax officer in several provinces.

(b) Yes.

(c) No.

(d) The possession of the degree of Bachelor of Commerce is taken into consideration in the selection of candidates, but the Government are not prepared to direct that reference be given to persons holding this degree. Candidates with the best all round qualifications will be selected, the object being to get a highly educated man who has proved his worth during the whole of his educational career.

Mr. Siddheswar Prasad Sinha: Are not B. Com's as competent as B.A.'s for selection in services of this kind?

Mr. President: That is a matter of opinion.

NUMBER OF BACHELORS OF COMMERCE EMPLOYED IN THE LOWER DIVISION
OF THE GOVERNMENT OF INDIA SECRETARIAT.

1324. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state the exact number of Bachelors of Commerce employed in the lower division in the Government of India Secretariat and attached offices?

(b) Are Government aware that certain Bachelors of Commerce in the offices of the Quartermaster-General and the Director General of Contracts were superseded by their matriculate confrères? If so, why?

The Honourable Mr. J. Orerar: (a) The information is being collected and will be supplied to the Honourable Member in due course.

(b) I am informed that no Bachelor of Commerce is employed in the Quarter Master General's Branch. One is employed in the Master General of Supplies Branch, but he has not been superseded.

Mr. Siddheswar Prasad Sinha: Were Bachelors of Commerce applicants for the former post?

The Honourable Mr. J. Orerar: I have no information on that point.

QUALIFICATIONS REQUIRED FOR INDEXERS FOR EMPLOYMENT IN THE OFFICE
OF THE DIRECTOR OF PUBLIC INFORMATION.

1325. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state the qualifications required for Indexers for employment in the Office of the Director of Public Information?

(b) Are Bachelors of Commerce given preference in matters of appointment?

The Honourable Mr. J. Orerar: (a) The initial qualifications do not differ from those required for appointment to other clerical posts, but special training is necessary after appointment.

(b) No preference is given to Bachelors of Commerce. Selection is made from names recommended by the Public Service Commission.

NUMBER OF "A", "B", AND "C" TYPE QUARTERS CONSTRUCTED AT
PHAGLI IN SIMLA.

1326. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state how many "A", "B" and "C" type quarters have been constructed at Phagli in Simla?

(b) How many applications for allotment of these quarters were received for the years 1927-28, 1928-29 and 1929-30, and how many have been allotted?

The Honourable Sir Bhupendra Nath Mitra: (a):

18, A.

60, B.

117, C. (These include 80 at Tutikandi).

(b)

	1927-28.	1928-29.	1929-30.
A	74	90	108
B	183	269	300
C	214	363	428

In each year all quarters were allotted.

SHORTAGE OF CERTAIN GOVERNMENT QUARTERS IN SIMLA.

1327. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state how many tenants of "B" and "C" type quarters have been refused accommodation on account of shortage of higher class quarters?

(b) Have Government received any representation on the subject? If so, what action has been taken by them? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) "B" men promoted to "A", who unsuccessfully applied for "A" quarters—6.

"C" men promoted to "B", who unsuccessfully applied for "B" quarters—8.

(b) Yes, the matter is under consideration.

ECONOMY EFFECTED BY REDUCTION OF HOLIDAYS IN DEPARTMENTS
OF THE GOVERNMENT OF INDIA.

1328. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state what economy did the Inchcape Committee contemplate and what has been actually effected on account of reduction of the holidays in the Government of India Departments?

(b) Are Government aware of the prevailing discontent and dissatisfaction in the subordinate ranks by reason of the curtailment of the religious holidays?

(c) Has any representation been received by Government on the subject? If so, with what result?

The Honourable Mr. J. Orerar: (a) The Indian Retrenchment Committee did not attempt to indicate what pecuniary economy would result from the reduction of holidays, and no such estimate is, in fact, possible.

(b) The Government of India do not consider that the revision of the arrangements for holidays, which was effected in 1923, has resulted in any real hardship.

(c) Yes. No decision has yet been arrived at in the matter.

Mr. Siddheswar Prasad Sinha: Is it a fact, Sir, that the holidays were curtailed in pursuance of the recommendations of the Inchcape Committee?

The Honourable Mr. J. Orerar: The whole matter was reconsidered and the scale of holidays was revised, but I might say that, while the former number of holidays prescribed was certainly reduced, the reduced number became more effective in the way of real holidays.

Diwan Chaman Lall: May I ask the Honourable Member whether, as a matter of fact, any economy has been effected as a result of the reduction in the number of holidays?

The Honourable Mr. J. Orerar: I think that economy has been effected, but I do not think that it is arithmetically estimable.

Diwan Chaman Lall: May I ask whether any financial economy has been effected, or if any economy in work has been effected?

The Honourable Mr. J. Orerar: I think that economy has undoubtedly been effected, but I say in a form which cannot be precisely estimated.

Diwan Chaman Lall: Will the Honourable Member say if the same amount of work is being done as before?

The Honourable Mr. J. Orerar: I think a considerably larger amount of work is being done now.

Diwan Chaman Lall: May I ask the Honourable Member if it is not a fact that the holidays have been reduced from 40 to 16?

The Honourable Mr. J. Orerar: I must ask for notice of that question.

Diwan Chaman Lall: What is the practice in the Secretariats of the Local Governments?

The Honourable Mr. J. Orerar: I have no information with regard to the practice obtaining in the Secretariats of the Local Governments.

Diwan Chaman Lall: Will the Honourable Member obtain the information?

The Honourable Mr. J. Orerar: I do not think I shall be able to undertake so extensive an inquiry.

Diwan Chaman Lall: Is the Honourable Member aware that a great deal of discontent prevails amongst the staff, and is he prepared to ask the opinion of the Secretariat Association in regard to this matter?

The Honourable Mr. J. Orerar: I am not aware that any general discontent prevails in this matter. As I have already explained, certain representations have been recently received and they are now under consideration.

Colonel J. D. Crawford: May I ask the Honourable Member at what time the Government offices start work in the morning?

The Honourable Mr. J. Orerar: That varies to a certain extent in different departments.

Mr. Siddheswar Prasad Sinha: Will the Honourable Member state why only 16 holidays are allowed as against 40 holidays which are granted in Delhi and the Punjab?

The Honourable Mr. J. Orerar: Will the Honourable Member kindly repeat his question a little louder?

Mr. Siddheswar Prasad Sinha: Is it a fact that the Local Governments of Delhi and the Punjab grant 40 holidays as against 16 holidays granted by the Government of India?

The Honourable Mr. J. Orerar: I have no information on that point.

Mr. Siddheswar Prasad Sinha: Will the Honourable Member kindly inquire?

The Honourable Mr. J. Orerar: I have already answered that question in my reply to Diwan Chaman Lall.

Mr. Siddheswar Prasad Sinha: Does the Honourable Member say that there is no feeling of discontent amongst the members of the Secretariat establishment when he says that they have made representations?

The Honourable Mr. J. Orerar: My reply was that Government were not aware of any very strong feeling in the matter, but certain representations have been received and are now under consideration.

GRANT OF EXTRA REMUNERATION TO CLERKS AND ASSISTANTS IN GOVERNMENT OF INDIA OFFICE FOR WORK ON HOLIDAYS, ETC.

1329. ***Mr. Siddheswar Prasad Sinha:** Is it a fact that clerks and assistants have to work overtime and on holidays also? If so, are they given any remuneration for the same? If not, will Government give a sympathetic consideration to their case?

The Honourable Mr. J. Orerar: Members of the office staff have occasionally to work extra hours and on holidays if, owing to the exigencies of the public service, they are required to do so. As they are whole-time Government servants, no remuneration is paid to them for such casual extra time work.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

1330. ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state if they have finally considered the reports and the various recommendations of the Royal Commission on Agriculture in India?

(b) If the answer to part (a) be in the affirmative, have they accepted the recommendations, either in full or in part, and if in part, which of the recommendations have been rejected and why, and under whose advice? What are the authorities of the person so advising?

(c) What steps have hitherto been actually taken to give effect to the recommendations so accepted?

(d) If the answer to part (c) be in the negative, will they definitely state the date when they propose to do so?

(e) If the answer to part (a) be in the negative, do they propose to do so and, if so, when?

(f) Inasmuch as agriculture is a provincial subject, is it the Government of India or the Local Governments who will take the initiative in considering and giving effect to the recommendations and how?

Mr. G. S. Bajpai: (a)–(f). I would invite the attention of the Honourable Member to the reply given by me to Mr. Vidya Sagar Pandya's question No. 424 on the 6th February last.

METHODS OF SUPERVISION, DIRECTION AND CONTROL OF LOCAL GOVERNMENTS BY THE GOVERNMENT OF INDIA.

1331. ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state whether they have ever exercised the powers given to them under section 45 of the Government of India Act with regard to the Government of any province for the past three years, and if so, when and with regard to which province?

(b) What are the actual methods by which the several Provincial Governments are superintended, directed and controlled?

The Honourable Mr. J. Orerar: (a) The powers in question are being exercised continuously and in all provinces.

(b) It is not possible to formulate concisely and within the limits of a reply to a question, the manner in which the Governor General in Council exercises the powers of superintendence, direction and control under sections 33 and 45 of the Government of India Act.

ISSUE OF GUN LICENCES ON A MORE LIBERAL SCALE.

1332. ***Mr. Ram Narayan Singh:** (a) Has the attention of Government been drawn to the recommendation, No. 80, on page 127 of the Report of the Royal Commission on Agriculture in India with regard to the granting of gun licences on a more liberal scale?

(b) Do Government propose to issue instructions to the various Provincial Governments in general and to the Government of Bihar and Orissa in particular on this point, and direct them to issue similar instructions to the officials authorised to issue gun licences?

The Honourable Mr. J. Orerar: (a) Yes.

(b) Licences for the possession of arms and ammunition for the destruction of wild animals doing injury to crops or cattle are issued free of all fee, and the Government of India have already issued instructions for the issue of such licences on a liberal scale. They do not consider that further instructions on the subject are necessary.

CONSIDERATIONS KEPT IN VIEW IN NOMINATING NON-OFFICIAL MEMBERS TO THE CENTRAL LEGISLATURE.

1333. ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state the various considerations kept in view while nominating a non-official Member to the Central Legislature and also the qualifications he is supposed to possess for this honour?

(b) Are any terms of agreement arrived at between Government and non-official Members before they are nominated to the Legislative Assembly or the Council of State? If so, what are the terms?

(c) Is it not a fact that non-official nominated Members have to obey the Government whip in matters of voting?

(d) Will Government be pleased to lay on the table of the House a statement showing the names of non-official nominated Members and the occasions when they voted against Government during the past three years?

The Honourable Mr. J. Orerar: (a) Non-official Members are nominated primarily to adjust inequalities of representation.

(b) No agreement is arrived at.

(c) No.

(d) The information is available from the Division Lists which are printed in the official reports in the proceedings of the Assembly.

UNSTARRED QUESTIONS AND ANSWERS.

DISCUSSION OF SUBJECTS AFFECTING INDIAN TRADE AND COMMERCE AT CERTAIN COMMITTEES.

426. **Mr. Jamnadas M. Mehta:** How many questions concerning and affecting Indian trade and commerce, for example, tariffs, exports, duties and minimum wages, were discussed at the Economic Inquiry Committee, 1928, Diplomatic and Economic Consultative Committee of 1927, and in the session of the League up to June or July 1928?

The Honourable Sir George Rainy: I would refer the Honourable Member to the Monthly Summaries of the League of Nations, copies of which are in the Library.

INDEX OF INDIAN TARIFF LEVEL FIXED BY THE LEAGUE OF NATIONS ECONOMIC COMMITTEE.

427. **Mr. Jamnadas M. Mehta:** On what method of calculation have the League of Nations Economic Committee fixed 16 per cent. as the index of the Indian tariff level, in comparison with the tariff level of other countries? What is the percentage of customs revenue to the gross revenue of India, and what is the percentage of customs revenue per unit of Indian population?

The Honourable Sir George Rainy: The methods of calculation are explained in the publication entitled *Tariff Level Indices* issued by the Economic and Financial Section of the League of Nations in 1927 (Document No. C. E. I.-37). A copy of the publication is available in my office for inspection.

With regard to the last part of the question, the attention of the Honourable Member is invited to Account No. 13 in the Finance and Revenue Accounts of the Government of India for 1927-28 copies of which are available in the Library.

PERCENTAGE OF INCREASE OF POPULATION AND PRODUCTION OF NEW MATERIALS IN INDIA.

428. **Mr. Jamnadas M. Mehta:** According to the recent report of the Economic Section of the League of Nations on production and trade, what was the percentage of increase in the population and production of new materials of India for 1926; and what percentage of produce was retained by India for food or manufacture into finished products?

The Honourable Sir George Rainy: The Honourable Member is presumably referring to the Memorandum on Production and Trade issued by the Economic and Financial Section of the League of Nations.

The latest issue of this Memorandum in the possession of Government does not contain the information desired by the Honourable Member.

APPLICATION TO THE LEAGUE OF NATIONS FOR REDRESS OF JAPANESE PROHIBITION AGAINST THE IMPORT OF INDIA AND BURMA RICE.

429. **Mr. Jamnadas M. Mehta:** Did Government seek redress through the League of Nations of Japanese prohibition against rice import into Japan on the ground that it was mainly a discriminatory restraint against India-Burma rice?

The Honourable Sir George Rainy: No, Sir.

COUNTRIES GRANTED CUSTOMS FACILITIES EXEMPTIONS FROM IMPORT DUTY AND PRIVILEGES.

430. **Mr. Jamnadas M. Mehta:** (a) How many, and which, countries have been added to the customs facilities exemptions from import duty and privileges?

(b) What are the benefits conferred by the facilities and exemptions accorded under the privileges?

(c) Which countries during the year have been added to the list of such privileges?

The Honourable Sir George Schuster: If, as appears likely, the Honourable Member's question refers to the International Convention relating to the Simplification of Customs Formalities, the answer is:

(a) The countries that have so far ratified the Convention are:

Australia,
Austria,
Belgium,
British Empire (other than Dominions which are separate members of the League of Nations),
Bulgaria,
China,
Czechoslovakia,
Finland,
Great Britain and Northern Ireland,
Greece,
Holland,
Hungary,
India,
Italy,
Luxemburg,
Morocco (French Protectorate),
New Zealand,
Norway,
Persia,
Denmark,
Egypt,
France,
Germany,
Roumania,
Siam,
South Africa,
Sweden,
Switzerland,
Tunis (French Regency).

(b) Apart from the general benefit to trade, resulting from the operation of the Convention, the only specific exemption enjoyed under the Convention is that conferred by Article 10, which provides for the temporary admission of commercial samples free of duty to the territory of each of the Contracting States, subject to the amount of the import duties being deposited, or security being given for payment, if necessary. A copy of the International Convention relating to the Simplification of Customs Formalities will be placed in the Library.

(c) The country of Finland.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Crerar (Leader of the House): With your permission, Sir, I should like to make a statement of the probable course of Government business during the week beginning the 1st of April. I have nothing to add to the list of pending business which is already before the House on the agenda paper for this week. Having regard to the state of Government business, I suggest to you, Sir, that you should direct that the House should sit on Tuesday the 2nd, Wednesday the 3rd, Thursday the 4th, Friday the 5th and Saturday the 6th April.

THE INDIAN FINANCE BILL—concl'd.

Mr. President: We now take up further consideration of the Finance Bill, but before we do so I should like to give the ruling which I promised yesterday.

I have carefully considered the point of order raised yesterday by the Honourable the Deputy Leader of the Congress Party. It has been contended by the Leader of the House that Government adopted a similar procedure without any hitch in connection with the Bengal Criminal Law (Amendment) Bill in 1925 during my predecessor's time. I have seen the proceedings of this House in that connection, and I find that the point now raised was not then raised and determined. In fact, there has been no ruling from the Chair on the point on any previous occasion, and I have to give my decision without any precedent to guide me.

The Honourable Member from Madras contends that the words "any amendment has been made in a form inconsistent with the form recommended" contemplate or convey the idea that the recommendation must precede the amendment. I have very little doubt that the words by themselves are susceptible to that interpretation, and unless one reads the other parts of the sub-rule side by side with the words in question, he is likely to fall into the error of accepting the ingenuous argument of Mr. Iyengar. If I were to uphold the contention of the Honourable Member, it would mean that the Governor General must in every case make his recommendation in anticipation of the Assembly making certain amendments in a Bill, and he has no power to recommend the Bill after a particular amendment is made; that is to say, such recommendation must invariably be made before the Bill is taken up for consideration clause by clause. Now, if we read the first part of the sub-rule, it is quite clear that the Governor General has got power to make recommendation at any time during the passage of a Bill; that being so, the contention of the Honourable Member that the recommendation must precede the amendment is not tenable. Indeed, it seems to me that the whole object underlying the sub-rule is to empower the Governor General to make recommendation whenever, in his opinion, the Assembly has gone wrong in any matter during the progress of the Bill and he considers his intervention essential.

There is again, in my opinion, considerable force in the view urged by the Honourable the Finance Member that the words in the sub-rule "the Governor General makes recommendation" and "any recommendation

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The recommendation is only in cases in which the Governor General will be at liberty to certify, on failure of the recommendation being given effect to, by the Assembly. I submit this is not necessary for the safety of British India. 65 lakhs is estimated as the deficit which will result from the acceptance by the Government of the amendment which was carried by the Assembly. It may be twice as much for the succeeding years. We are not, however, concerned with the subsequent years, and even if the deficit in the subsequent years is taken, it is not more than a crore of rupees or a crore and a half. Therefore it appears to me that, so far as the revenue side or the expenditure side is concerned, this is not an unreasonable amount which should be claimed to be within the power of the purse if it is really vested in the Assembly. This reduction of 65 lakhs is really an insignificant and inconspicuous reduction, having regard to the taxes which are raised in this country. If that is not agreed to by the Government, I do not know what the power of taxation, which is vested in the Assembly, is.

On the expenditure side, we have seen that, when grants are withheld or reduced, they are at once restored. On the taxation side, we find that the Legislature is equally deprived of any power of legislation because the moment it is reduced, even by a relatively small amount, the Governor General at once proceeds, by this extraordinary power, to recommend and certify. I submit, the words "safety, tranquillity or interests of British India" do not justify the use of this arbitrary power. I am not really canvassing the judgment of the Governor General, but it is perfectly open to the Members of this Assembly to consider whether this restoration of the salt tax is necessary for the safety of British India or for its tranquillity. It is impossible to understand how it could be necessary for the safety of British India, if 65 lakhs are withheld. I cannot at all understand how India will become unsafe. Will there be serious disturbances and disorders, notwithstanding the bracketed telegram which was conveniently read on the other side? What are the interests of British India which will be affected? You will see that section 67A (7), under which the restoration of amounts which have been refused on the side of expenditure, is allowed to the Governor General in Council, is differently worded, and the contrast in the language is very striking. There the wording is this:

"The demands as voted by the Legislative Assembly shall be submitted to the Governor General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to."

That is a much wider phraseology, and therefore it may be open to him to say, that, in order to discharge his responsibility, he should restore any amount which has been refused, but the language of section 67B follows the language of sub-section (8) of section 67A which says:

"Notwithstanding anything in this section, the Governor General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof."

The words "safety and tranquillity" are therefore well known words. They refer to grave emergency, such as war, unforeseen troubles and new commitments, which have got to be entered into, for which no previous

provision was possible. These are the things to which that section can refer. I am now dealing with the merits of the case. It is perfectly open to the Governor General to say that it is necessary for the safety of India to recommend, and it is also perfectly easy for him to certify. That is the arbitrary procedure which is put down in the Act. I am now explaining why the Assembly should not go back on its previous decision, but should adhere to its decision, because it is a violation of the letter and the spirit of this exceptional provision, and a very strong and clear case has to be made out for this recommendation. What does the opposite side say? We have heard it half a dozen times from the Finance Member. He says "Oh, we will return it to the people in those wonderful beneficial ways of which we are the sole judges". This is a new kind of argument and whatever Sir Purshotamdas Thakurdas may say, I really cannot trust the destinies of India to the Finance Member. I do submit that the question whether a particular purpose is beneficial or not is for the Assembly to decide. If the Finance Member has any proposal ear-marking such and such funds for the purpose of the material advancement of the people, and if he comes forward with the proposal, by all means let that proposal be canvassed in the Assembly, as other proposals are canvassed, and if the Assembly agrees to it, by all means let the funds be ear-marked for that purpose. But merely to say, "You give us this money and you can trust us to use it in a beneficial way", is a very large order to make. I think the Honourable the Finance Member is apparently thinking that we are functioning as in the old days. He spoke of our assistance, advice, co-operation and other things. We are an opposition here. We are not here for the purpose of advising the Finance Member. We are not here for the purpose of acting as counsellors. We are here merely for the purpose of opposing, criticising and pointing out where the Government is wrong. If the Cabinet were a removable Cabinet, then the opposition might have at least some chance of making constructive proposals. We do not propose to make constructive proposals when there is no chance of removing this irremovable Cabinet, and taking the place of that Cabinet. Why should we unnecessarily embarrass ourselves by making constructive proposals when we know that our proposals are going to be rejected? Therefore the Government, I submit, is an impossible Government.

The proposal which is made by the Finance Member at such an early stage of his introduction into his office is really a novel proposal to make. He cannot ask us to come here and simply register his decrees and to vote whatever sums he wants. We must give our own views as to what is right and proper. I submit, Sir, the vote of the other day was not a narrow vote. I think, if I remember aright, it was a majority of 12. It was not a majority of one or two, and, therefore, on the merits of this matter, it was not open to the other side to flout the considered decision of the Assembly. You would have noticed, Sir, that in the salt debate, many Members of the Assembly had remained neutral, thinking that the Government should not be unduly embarrassed, although we of the Congress Party took a stronger view. But they came to the conclusion that, in the matter of reducing the duty by four annas, they should certainly defeat this Government. Even those who did not agree with some of us, who took a more extreme line, came to the conclusion that the people of India stood in need of this reduction of salt duty by at least four annas, and when a decision was come to on that point by a strong and influential section of the House, for

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the Governor General to give the go by to that decision in this summary and defiant fashion is to me very significant on the eve of new reforms. I submit that the House, consistently with its self-respect, cannot but do its duty by refusing to accept the amendment that has been put forward. It may be said, "If you don't agree to this amendment, the Governor General will certify it". Certainly let him do it. We shall express our view. We should certainly do our duty. The mere fact that the Governor General will certify and make his point of view operative is no reason why we should not make our point of view prevail as far as we can make it prevail, constitutionally according to the scheme provided in this Act. The Act gives us the power to accept this recommendation or not, and what is the

12 Noon. new reason which has been advanced now? All these reasons were stated by the Honourable the Finance Member on a previous occasion. Nothing new whatever has been urged. In these circumstances, I suggest that the self-respect of the Members who voted on the last occasion, the very genuine feeling displayed in opposition to the salt tax, the nature of the tax, its incidence, all these require that we should re-affirm our vote and should not yield to this threat. That is my view.

I will only answer one point which was raised by the Honourable the Finance Member on the last occasion. He said—and it was a very wonderful thing—four annas is not much; it will not be passed on to the poor people. And he displayed a very touching solicitude for the poor people. Of course we know where the shoe pinches. 4 annas is 4 annas, and if the Honourable Member is dissatisfied, I have not the slightest objection to putting in an amendment reducing the duty by 12 annas. I have not the slightest objection to benefiting the poor. I do not understand why this 4 annas should not go to the poor of India.

We are more and more familiar with this distinction that is sought to be made by Government. It is an exhibition of skill which does not persuade us to come down, as it is increasingly clear that Government are determined to have their own way. Sometimes they will placate us by singling out individual Members for praise, though that is a method which only sometimes can be successfully carried out. Appreciation of one Member of the Opposition when it is coupled with criticism of another Member of it is necessarily more agreeable to the former; but this kind of procedure is one to which we are all accustomed. We are quite impervious to all arts of diplomacy and rhetoric, in which the other side has become expert. I think we are also learning from them somewhat. We know, however, fully well where we are, and I therefore say that the simple, straightforward duty on the part of everyone of those Members who have already voted for the reduction of the salt duty is to vote for it now, and if Government really want the naked constitutional question to be raised, they should remain neutral and not vote on this question at all. They have the power of certification. If Members are really given the right to exercise their power, let them exercise it in a formal manner, and let the Governor General certify. We know what it is to certify, and I hope that the new Swaraj will break the old *karma* doctrine and the old fatalist doctrine in this country. I think my friends on the other side still pin their faith to the fatalism of the East. I, however, think we have become thoroughly modern, and we do not believe, whether we lose today or tomorrow, that we are going to be under you all the time. Therefore I would appeal to all those who voted before to vote once more, and I also appeal to the others who refrained from

voting to vote with us on this occasion. It is a very simple yet great constitutional issue. This year it is necessary that we should make our position clear, because I find that under section 67B (2):

"Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent, until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor General, the Act shall have the same force and effect as an Act passed by the Indian Legislature and duly assented to."

Assuming that it applies to the Finance Bill,—such dilatory procedure as this—I submit it is necessary this year when the British Parliament is engaged with the new constitution for India. It is necessary that it should be brought home to them that there is this very pernicious power contained in this Act. The only way we can bring it home is by compelling the Governor General to certify, by turning down the proposal made by the Finance Member, and compelling the Governor General to lay before the Houses of Parliament this Act of the Governor General unless he exercises the power which is given to him under the proviso which provides for the existence of a state of emergency. For all these reasons, constitutional as well as simple, we have only to take the decision to reject the amendment just proposed.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, I very much regret that the Government have thought it advisable to have recourse to this procedure. I am one of those who hold that more and more responsibility should be given to this House, and I do hope that, even if under your ruling, Sir, the Government have the power of having recourse to this procedure, they will never use it. What does this procedure come to? It means that any well-considered vote of this House, whatever time we might have spent on that vote, whatever arguments we might have listened to, whatever responsibility we might have exercised in giving our vote, can be nullified by one single circumstance, namely, that the Governor General thinks it fit to recommend the rejected proposal. The same proposal then comes before this House once more, possibly within a few days, possibly when the voting strength of the Opposition has decreased. I can imagine many conditions in which Government might thus have an advantage in getting the same proposal before this House. I do submit, with all the responsibility I can command, that the effect of such a procedure will be that the little sense of responsibility which we feel on this side of the House—which is very little indeed under existing circumstances—even that little sense of responsibility will disappear.

The Honourable the Law Member will agree with me that the best way of evoking responsibility in tribunals, as well as Chambers like this, is to give more and more finality to their decisions. In the case of the law courts we are accustomed to this principle, that when a decision is once arrived at, right or wrong, it will not be reconsidered, except on some strict and well-defined grounds stated in the procedure code. It is well recognized that that is the only way to bring responsibility in the decisions of such bodies. The procedure, now adopted here, Sir, does exactly the contrary, because, under your ruling, it comes to this, that, however important the vote of this House may be, it can be circumvented if the Governor General is approached and persuaded to take the contrary view. He has not been

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present here, he has not listened to the arguments, and therefore has to act on the advice of his Cabinet Ministers.

He is necessarily therefore acting on the *ex parte* arguments of his advisers. Then the moment he recommends a proposal, this House, in all solemnity, is asked to reconsider its decision on which this House may have spent, in a conceivable case, ten days. Now, I ask, Sir, my Honourable friends opposite whether they think that this is a procedure calculated to develop the sense of responsibility of this House, or to lessen even the small sense of responsibility which we feel at present. The procedure is more objectionable, Sir, when we remember that there are two well known ways recognised by our procedure and constitution by which the Governor General can rectify what he regards as the mistakes of this House. One of them is restoration or certification, and the other is to go to the Upper House where the Government view has a greater chance of being accepted. The advantages of these two methods are these: that in the one case the Governor General acts on his own responsibility and takes the fullest risks of doing so. It has its own compensations. If the Governor General is so badly advised as to differ from the considered view of this House and takes the responsibility of openly doing so, then he does so at his peril. That is the compensation of the arrangement. Alternatively, he goes to the other House, gets that body to agree to an unpopular proposal and comes back to this House backed by that agreement. There is likewise an element of compensation in this procedure. But in the procedure adopted now, I do not see any such elements of compensation, and that is the reason why I describe it as a most extraordinary and objectionable procedure. I am sorry that the colleagues of the Governor General should have advised him to adopt this procedure, because it means, as my Honourable friend Mr. Srinivasa Iyengar put it, that the Governor General treats with levity the considered decisions of this House. We are entitled to see that our decisions, right or wrong, are treated with the respect and consideration due to a responsible body of India's representatives. We do not say we are infallible. We are, after all, representatives of the popular feeling. We are necessarily affected by public sentiment, which is rather our merit than a disqualification; but we do submit, with emphasis to the Governor General, that we are entitled to make this claim that our decisions should be treated with finality and the utmost respect. From this point of view, I do assent that the present procedure is certainly not in the way of progress, except in the direction of the tail. I do hope, Sir, that, even if Government have the power of adopting such a procedure under your ruling, they will never have recourse to it. As for the merits of the amendment, no new arguments have been advanced by the Honourable the Finance Member. I was one of those on the last occasion who refrained from voting in favour of the two previous cuts about the salt tax. My Party applied its mind very carefully to the merits of this question, and we came to the conclusion that we should be party to nothing which had the result of unduly embarrassing the Government. We judged these questions on their merits. You remember, Sir, there were two previous cuts proposed in this House, which my Party did not support. We thought that we should fully exercise our judgment, and decide on each cut on its merits. After giving proper consideration to all the arguments, including those advanced by the Honourable the Finance Member, we came to the conclusion on merits, that we should support the reduction of salt duty from Rs. 1-4-0 to Re. 1.

It is not very respectful to tell us now to reconsider our decision. What is the new ground on which we are asked to reconsider it, except the purely adventitious circumstance that the Governor General has been advised that this is a wrong cut and therefore the House should not have adopted it. To me, such an argument appears absolutely irrelevant, and is, of an *ad hominem* character. Surely no self-respectful or reasonable man will allow his decision to be affected merely by the fact that the Governor General is advised by his colleagues that the vote of this House is wrong? What does the argument come to? That the Governor General's view, which he only forms on the advice by his Ministers, is different from that of this body. Paraphrased into plain English it comes to this, that the Governor General is advised to take a contrary view. That, in my opinion, is no argument at all for asking us to reconsider our decision. When we recorded our vote, we gave full consideration to every important circumstance and arrived at our decision. No new arguments have been advanced by the Honourable the Finance Member. In fact, he has no new argument. All that he has urged is the old old ground which has been advanced before this House times out of number. Therefore, I do submit that purely on the ground of self-respect and dignity this is a wrong principle, and I do strongly protest against its adoption by the Government. I ask this House to reject this amendment.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to lodge my strongest and most serious objection to the course which the Government have taken in this particular case. That will also explain the position that I took yesterday in the House in not rising when the message was being delivered to the House. As my Honourable friend, Mr. Jayakar, has put it, that action of the Government was ridiculous and not respectful to us, and therefore I thought that the best answer to that, as a preliminary point and as a preliminary procedure, was not to rise in my place, because I knew very well what the particular envelope which the Honourable the Finance Member was going to hand over to you was going to contain. I knew that the Honourable the Finance Member had captured the Governor General. I knew he had taken hold of the god in the machine, he took into his pocket the god in the machine and delivered the god in the machine bound hand and foot. I knew what was coming. I did not like it. I thought it was not respectful to this House that the Governor General should intervene at that particular stage and, therefore, I deliberately did not rise in my place.

Apart from that, turning to the question in hand, of course there are three points involved in this particular action. First is the constitutional character of the amendment. The second is the merits of the action which the Government have taken in bringing forward that amendment at that stage. The third and the last is the question of the merits of the amendment itself. Of course, the first is now put out of court by your ruling which you have given just now. The second has been criticised severely both by the Honourable Mr. Srinivasa Iyengar and by my Honourable friend Mr. Jayakar. Therefore, I need not dwell on that point at very great length. I am tempted to say this. While the course adopted by the Government is highly disrespectful to this House, it is also unfair to the other House, to the other House of revision or the House of correction, if I may so put it. It is unfair for this reason because we know that time is hanging very heavy on the idle hands of the Members of the other House. It would have been an act of great kindness to give them some little busi-

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ness to do while they are sitting at Delhi. One can only pitifully look at the red books which contain the debates and the proceedings of the other place. They look to me like the skeleton of the famished and famine stricken poor *raiya* of this country. In fact, on the 28rd of this month

Mr. President: Order, order. Will the Honourable Member leave the other House alone?

Mr. N. C. Kelkar: I will accept your decision. My point is, whatever may be the considerations from the point of view of the other House, we were entitled to say that the due and the natural course would have been to send that particular proposal to the other House and then to bring it back here. For, in that course lay one more chance for us to get an agreement between the two sides of the Legislature on the particular cut that we effected in the salt Bill in this House. Probably it is urged, as my Honourable friend Mr. Jayakar gently hinted, that the other House might have taken the side of the Government and rejected our proposal. But we might at least have had this advantage that the proposal would have been seriously discussed and canvassed in the other House, the pros and cons would have been put before the House publicly, and in that way we might have had some chance of getting the other House to our view point of the case. Therefore my serious complaint is that even that single chance which we might possibly get to win this cut in the other House has been taken away.

Turning to the merits of this present cut, I will say this. I am one of those who did not vote when there was the proposal before the House to cut the salt duty to annas eight; I also did not vote when there was the motion to have it cut down to annas ten. What does that show? I say that that conduct of mine shows that I wanted to discriminate in this matter of the salt duty. I knew very well that the Government would feel handicapped, would feel some embarrassment if at once the salt duty was cut down to annas eight or annas ten, i.e., by about 50 per cent. But here was a cut of only annas four, that is, a fifth of the duty, and I imagined then, when I voted for it, that the Government would not feel it because it was such a small reduction. I therefore deliberately and discriminately voted for the reduction of the salt duty to one rupee. And when I was speaking on that motion the other day about the self-supporting character of the salt industry in India, I deliberately said that I wanted the salt duty to be kept at a reasonably low level; and, as has been suggested by the Honourable the Finance Member, I do wish that that amount which may be realised by way of salt duty from the poor, should be ear-marked for bettering their lot.

Now, Sir, by this simple cut of annas four, we are reducing only Rs. 65 lakhs of revenue for this year. Are not Government familiar with similar fluctuations in their revenue in the past on the receipt side and on the expenditure side? The budget officer himself has said on one of the occasions to which I have referred before, that Government are familiar with and can justify fluctuations either on the side of the revenue or on the side of the expenditure to the tune of 1½ or 2 per cent. That means, if a revenue of Rs. 65 lakhs is cut down against the expectations of the Government, it will certainly not be such a great difficulty for them to get over. Probably the course that has now been adopted by the Government

has been adopted in order to save themselves some inconvenience arising out of the fact that this present Finance Bill is not going to be disposed of by the 31st of March. But, we are not concerned with those inconveniences to the Government. Government have got extraordinary and exceptional powers, and the Governor General has got all the residuary powers in this matter, to deal with the situation if it sometimes does arise. Therefore, in this matter, it was up to the Governor General rather than to bring in an amendment at this stage, to take upon himself the responsibility of extending the period of the old notification fixing the salt duty at Rs. 1-4-0. Our serious complaint is that, when two courses were open to the Government, they have chosen a course which is most disrespectful to us and has deprived us of an opportunity of getting on our side possibly the other House in this matter. My friend, Mr. Jayakar, has pointed out that you are seriously cutting at the small element of responsibility which is in this House, by nullifying day in and day out the Resolutions which are deliberately passed by this House. And yet, you fling it at our face that we have no sense of responsibility. May I inquire then how we are to express our responsibility if our Resolutions and decisions are to be nullified and to be set at naught in this reckless fashion? In this connection, I will say—and the Honourable the Finance Member himself must admit—that, on the whole, we in this House have dealt with him very gently and very discriminately, both in regard to the demands for expenditure and in regard to the proposals for Supply and Ways and Means. The total Demand for Grants for expenditure made by him amounted to, he will remember, Rs. 134 crores and odd. Of this in the first place, only Rs. 45 crores and odd were votable, and the remaining Rs. 88 crores and odd were simply non-votable. The votable amount was therefore only about 33 per cent., while the non-votable amount was about 66 per cent. Out of these 45 crores and odd, the Assembly cut down by its vote in all only Rs. 6,02,200, but the Governor General in Council readily came to the rescue of the Honourable the Finance Member, and in the exercise of his extraordinary powers restored the amount of Rs. 6,01,800. The effective measure of our censure, or of our spitefulness or of our waywardness—whichever way he may like to put it—was thus a paltry sum of Rs. 400.

Turning now to the Finance Bill, the House, it will be seen, could not succeed in cutting down more than some Rs. 120 lakhs from the estimated returns of Rs. 6-45 crores under the original proposal in the Finance Bill, that is, by reducing the salt duty by annas four. The amount so reduced represents only nine-tenths of one per cent. of the total amount of expenditure or four per cent. of the total revenue supply proposed under this Bill. Is this not considerateness itself, sense of responsibility itself, when we know the intensity of the feelings of the popular parties in this House against the Government, that is to say, its constitution, its methods, its extravagance and its activities? I had therefore hoped that the Finance Member might not make any attempt to get the reduction in the salt duty nullified in the other place. But it was not to be so, and he has gone the other way and has brought in an amendment here in this very House. Must he grudge this House even the small success which it has achieved in expressing its control over the national finances—a success which, I would add, was brought about by most of the parties voting together in concord? Sir, the Honourable the Finance Member spoke the other day in very graceful and appropriate terms, when he said that he felt himself like a stranger present at a family quarrel, when communal

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topics were hotly contested in this House. Now, in this vote on a secular subject, that is, on the question of the reduction of salt duty from Rs. 1-4-0 to Re. 1, he will find the family reunited and voting against him almost like one man. Will he not, therefore, forbear to seek the restoration of the salt duty to its old level, if only in token of his joy at the family concord and re-union, if we may take him to be a well-meaning stranger?

Now, Sir, we on this side of the House often find ourselves in a great dilemma. I really do not know how we are to deal with Government Bills, especially the Finance Bill. If we cut down the salt duty, for example, from Rs. 1-4-0 to annas eight or annas ten, then Government say "You have cut a material slice out of our revenue". That argument we cannot understand and therefore we sometimes hold our hand in making such radical cuts. If we make a cut of only annas four, then Government say "Well, here is a small cut which is really insignificant, but the benefits of it will not reach the poor people." If it is annas eight or annas ten, then it becomes a great cut Government cannot accommodate themselves to it. If it is annas four, the benefit will not reach the poor people. If for instance we deal with the income-tax and try to redress a wrong, the Government simply say: "Well, this is an amateurish treatment of the Tariff Bill". Therefore, either the Government feel embarrassed by the cut made, or, if the cut is small, they say it does not reach the poor people. If we deal with the Bill in some other way, it is said that we deal with it in a haphazard way or in an amateurish way. Therefore, I do not really understand how the Government want us to deal with their Bills in this House. Is it our duty only to say ditto to what all the Government say? How are we to express properly our sense of responsibility which the Government want us to do? I do want the Honourable the Finance Member to tell us, once for all, how they want us to deal with their Bills, so that they may, at least, then say that we have some sense of responsibility? May I suggest one remedy? As is done in the House of Commons, in the British Parliament, why not base your Finance Bill on the Resolutions passed in committee? By that procedure—it is more or less an informal procedure not so formal and rigid as the discussion of the Bill itself—we may arrive between ourselves at certain conclusions; and thus, according to that procedure we may have some scope for enforcing our will upon you or at least try, in an informal manner, to bring you round to our views. If the House goes into committee and Resolutions are passed upon the subject-matter of the Finance Bill, then of course you may frame a Bill and bring the Bill before us. I do offer this as a sort of constructive criticism, because I have already put before you our difficulties from our point of view in dealing with the Finance Bill. I once more say that we cannot go back upon the small cut that we deliberately made in the matter of the salt duty, and I think the whole House will vote against the present amendment.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Sir, I have listened with very great attention to the speeches of Mr. Srinivasa Iyengar and Mr. M. R. Jayakar and I must say, Sir, that I am considerably surprised. I do not understand why any Member of this House, who has voted for the reduction of the salt duty, should rise from his seat and say that he objects to the procedure which His Excellency the Viceroy wishes us to adopt. I for my part, Sir, on the contrary

welcome this opportunity, because this will put to the test whether this House can show real responsibility or not. If the House has responsibility, and as my Honourable friend Mr. Jayakar points out, we have a little sense of responsibility, I do not quite understand how that responsibility can disappear by the mere fact that His Excellency wishes us to reconsider our decision. If this House has got responsibility, well, let them vote against the proposal of the Finance Member. Let them show to the Government that, whatever decision they have taken they will adhere to it. Again, as my friend Mr. Jayakar says, we have taken this decision after very careful consideration and after hearing the pros. and cons. of the particular question. If no further arguments have been advanced by the Finance Member, why should we object to the procedure? Why should we not deal with the merits of this question and say that we will not be a party to this amendment? I think, Sir, the Swaraj Party is partly to be blamed for this kind of procedure, because, if they had expedited the Bill and not adopted the Parliamentary obstructionist tactics that they did, I do not think the Viceroy would have been compelled to adopt this procedure.

Now I would like to make to this House understand what this procedure amounts to. The procedure simply amounts to this, Sir, that this House is asked to consider again their vote, which they have given on the reduction of salt duty. The House is at perfect liberty to say, "We don't want to go back on the decision which we have arrived at," or the House can say, as my friend, Mr. Jayakar, again said, that we are not infallible. If this House has therefore made any mistake, they should welcome the opportunity to get rid of that mistake by having this procedure adopted in this House, rather than to be corrected by the other House. I therefore do not see any justification at all for objecting to the procedure which is now being adopted by Government, and I therefore think, Sir, that, whilst dealing with the merits of this question, we should welcome the opportunity given to this House of putting to test its sense of responsibility and, having arrived at decisions after mature deliberation, stick to them. Sir, the Swaraj Party have shown by their speeches here much solicitude for Government. Why should they say that Government should adopt this procedure or that procedure? For instance, Mr. Srinivasa Iyengar has suggested that Government should take this Bill to the other House and then bring it back here. Why should we show so much concern for Government at all if we are sincere in what we have done? It is Government's business to look after themselves, and I do think, Sir, that the Swaraj Party would do well to leave Government alone. Our concern, Sir, is to deal with the merits of the Bill or of amendments and things of that sort that are placed before this House.

Mr. S. Srinivasa Iyengar: I said so.

Mr. Fazal Ibrahim Rahimtulla: We consider its merits, and after debating we arrive at a certain conclusion. It is for this House to stick to that conclusion, if this House believes that the conclusion arrived at is the right one. I therefore think, Sir, that suggesting to the Governor General to resort to his power of certification is entirely wrong. I on my part, as I said yesterday, do not desire that His Excellency should exercise the power of certification at all. We say that our decision should be final but if an opportunity is given to us to revise our decision we can say that we still stick to that decision and we do not wish it to be revised. But I cannot

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understand, Sir, how anybody could object to the procedure or could blame His Excellency the Viceroy who has given us another opportunity to debate the merits if we choose to do so, otherwise to go into the lobbies straight-away and decide whether we have that sense of responsibility as to stick to our decision or whether we are open for negotiations and are open to be canvassed in any manner. This is a test of our sense of our responsibility. It is a question of the dignity of this House, and I hope, Sir, the House will exercise it in a right manner.

Sir Hugh Cocke (Bombay: European): Sir, if the Members on these Benches have not occupied much of the time of the House during the discussion of this Finance Bill, it has not been from lack of interest, but rather with a view to aiding the progress of the business of the House, but there are one or two points I should like to touch upon this morning. Mr. Srinivasa Iyengar made much of the point that the reduction of 4 annas in the salt duty did not interfere with the tranquillity and the interest of the country.

Mr. S. Srinivasa Iyengar: Safety also.

Sir Hugh Cocke: Tranquillity, safety and interests of the country. Well he dwelt a considerable time upon the word "tranquillity," but he did not dwell for very long on the word "interests." I think obviously the 4 anna tax and the 65 lakhs of rupees involved in the first year do very materially affect the interests of the country, because, as the Honourable the Finance Member pointed out, you cannot suddenly reduce your administrative expenditure to meet the reduction and you may be driven to reduce your grants for nation-building services, colleges and so on. And I think the last thing Members would desire on these Benches would be for these grants to be reduced, and I think it is the last thing their constituencies would wish also. My Honourable friend, Mr. Jayakar made much of the point that he had not gone into the lobby against the Government on the two larger cuts, but with great responsibility he went into the lobby against the Government on the smaller cut. Well, Sir, I fail to see the responsibility in taking that action. It seems to me to border on irresponsibility, because we all know—I do not think even Mr. Jayakar would dispute it—that the 4 annas involved will not be passed on to the consumer. Therefore it seems to me there is not very much responsibility in taking action of that sort. We all know, in this House, from experience that these cuts are made from time to time. We do not take them very seriously.

Mr. S. Srinivasa Iyengar: What?

Sir Hugh Cocke: And in fact it is not an unknown thing to hear of Members, who had voted for a certain cut, and when they found they had been successful, had regretted it.

Mr. S. Srinivasa Iyengar: Who?

Sir Hugh Cocke: I am not speaking of any particular Member. I am stating a fact that these cuts are made, from time to time, more or less as a gesture, and some Members regret the result afterwards. Mr. Kelkar referred, at the outset, to the fact that he knew what message was coming from the Chair yesterday and therefore he did not rise in his place. I hope, Sir, it will not become customary for Members of this House to endeavour to anticipate messages; and if they think it will be a pleasant and nice

message then they will get up, and if they think it is going to be unpleasant, they will not rise when messages from the Governor General are announced. I think that would be somewhat lowering the dignity of the House and lowering the dignity of the people who embark upon the practice. Sir, it seems to me that the issue is a very simple one. The Government require this money; they cannot see their way to give up Rs. 65 lakhs; and from the point of view of expediency and indeed from every other point of view, I think the procedure which has been adopted is not unfair to this House, having regard to the fact that the cut, as I have said, is one which in my view is mainly a gesture and also to the fact that the effect of it will not really reach the poorer classes whom we all desire to benefit.

Mr. Jehangir K. Munshi (Burma: Non-European): Sir, it is a well-established principle of the British constitution that the King can do no wrong. In other words, if the King does wrong, his Ministers must be held responsible for the wrong. If we apply that principle to our constitution, the King's representative, the Governor-General of India, can do no wrong; and if we feel that he has done wrong, then we must hold his Ministers responsible for that wrong.

Sir, even under the mock constitution which this unfortunate and ill-fated country is supposed to be enjoying at the present moment, we have all these years been led to believe that, to some extent, the voice of this Assembly will be heeded by the Government. The other day we passed a Resolution asking for Dominion status; and within a few days the Government of India have made a suitable response to our demand. It is significant that when this House divided on the motion for reduction of the duty on salt from one rupee four annas to one rupee, 56 elected Members voted for the reduction and only two elected Indian Members of this House voted against the motion. What do we find now? The advisers of His Excellency the Governor-General, in spite of the fact that they could get only two elected Indian Members of this House to vote against the reduction, have deliberately advised him to flout this almost unanimous decision of this House. (Hear, hear.)

The Government of India have advised His Excellency the Governor-General to send back this measure in a recommended form. What is the recommendation? That the decision arrived at almost unanimously by the elected Members of this House is not acceptable, and that the Government of India's decision must prevail, and the voice of this House must count for nothing. If that is the policy of the Government, what is the necessity of bringing forward the Finance Bill before this House? If we are not allowed to make any alteration, if we are not allowed to make any reduction, why should the Finance Bill come here at all? It is absolutely a farce and a waste of time to bring the Finance Bill before this House, if the Government of India are determined not to allow this House any voice in the matter of taxation, even to the slightest extent.

I am afraid Sir, the whole difficulty of working the present constitution arises out of the most unfortunate mentality of the Government Members. They do not take this House seriously they have no respect for the decisions of this House. I shall give the House an illustration of the official mentality. Recently I was travelling on a boat which carried a number of American tourists; an Englishman of the age of about 38 years belonging to one of the All-India services, who has served in this country for fourteen years, happened to be travelling on the same boat. He was talking to an

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American lady; and in order to make it clear to the House that there were no extenuating circumstances, I may mention that the lady was neither young, nor pretty nor attractive (laughter). She sought certain information from this English official. She told him she was going to see Delhi and Agra and this Englishman said to her, "If you go to Delhi, make it a point to go and look up the monkey House." The American lady was very interested; she thought the English official was referring to a house containing some rare specimen of monkeys in a well kept zoo at Delhi. Then this Englishman explained to her that what he was referring to was the Indian Parliament—this unfortunate House. Now, Sir, that official of the Government of India represents the normal official mentality. It is not unusual

Mr. President: Will the Honourable Member give his name?

Mr. Jehangir K. Munshi: I am in a position to give the name, but I would rather refrain from doing so.

Mr. President: The Honourable Member can do so privately to the Chair.

Mr. Jehangir K. Munshi: Very well, Sir. I shall be only too pleased to give it privately to the Chair.

Now, Sir, this is the mentality of the Government Benches. (*Cries of "No, no" from the Government Benches.*) I would like to know how many of those gentlemen now sitting on the Government Benches are prepared to assert that they have never referred to this House as a monkey house. I only see one hand raised in response to my challenge. Well, Sir, if that is the mentality regulating the official minds, if Government Officials sitting in this House, as Members of this House, refer to this House as the monkey house

The Honourable Mr. J. Ozerar (Home Member): I really must protest, Sir, against any such assertion. I deny entirely that it does represent the mentality of the Government Benches in this matter.

Mr. Jehangir K. Munshi: I have not been able to hear the Honourable the Home Member quite clearly. Is the Honourable the Leader of the House asserting that he has never heard Government officials refer to this House as the monkey house?

The Honourable Mr. J. Ozerar: I have no recollection of hearing any official of the Government of India making use of that expression.

Mr. Jehangir K. Munshi: Then all I can say is, Sir, that the Leader of the House is particularly ill-informed; and the fault lies at the door of Mr. Coatman. It is for Mr. Coatman to see that the Government of India know exactly what is happening. I repeat that this is how the Government officials regard this Indian Parliament; and that being the official mentality (*Cries of "No, no" . . .*) That being the official mentality, how is it possible for them to show any respect for the mandate of this House? And, Sir, what has happened during the last 24 hours, shows that, until that mentality is changed, we can have no hope that Parliamentary institutions will flourish in this country.

I think the time has now arrived when the Government of India must seriously make up their mind whether they are going to help one or the other of the two movements in this country. There is no third road, and there can be no third turning. As I said the other day, an overwhelming section of intelligent, educated Indians in this country want to remain within the British Empire and are striving for Dominion status. There is the other and infinitely smaller section led by my Honourable friend, Mr. Srinivasa Iyengar, which is beginning to clamour for independence.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): What has that got to do with the salt tax?

Mr. Jehangir K. Munshi: If my Honourable friend, Colonel Gidney will exercise his intelligence, he will see what I am driving at. The salt tax itself has at the present moment become a matter of secondary importance. The "recommendation" of His Excellency the Governor General has raised a grave constitutional issue. If the Government of India want to help Mr. Srinivasa Iyengar's movement for independence, they could not have selected a better method than they adopted yesterday of advising His Excellency the Governor General to restore the salt tax to the original figure of one rupee four annas, although it was reduced to one rupee by 56 elected Members of this House, only two elected Indian Members voting against the reduction. (Applause.)

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-official): Sir, before I speak on the real question, I must express my surprise at the speech of my friend, Mr. Munshi. I think there is nothing in the point which he has tried to make out and the language of the joke which might have been uttered outside he has taken so seriously as to impute these motives to the Members of the Government. This is not right—that any Member should speak in this way about those persons who themselves adorn those Benches in this House. I would be the last person to speak in any derogatory terms about this House as long as I remain a Member of it. I will defend it outside as well as inside as long as I continue to sit in this House, and I think, Sir, that if Mr. Munshi had even heard anything derogatory to this House outside in private conversations, it was his duty to keep silent on this question, and he should not have brought it before this House in the manner he has done today. We are accustomed to hear of this House being described in several ways. For instance, the first Assembly was characterised as a Lunatic Asylum, and the term M. L. A. was described as Member of the Lunatic Asylum, and a lot of gentlemen who used to talk of Members of the old Assembly as Members of the Lunatic Asylum are sitting here today as Members of this House. Therefore, perhaps it was meant as a joke, and I don't think anybody should seriously attach any value to it and introduce it here in connection with the motion which we have got to decide before the House, as Mr. Munshi has done. Evidently his object is to prejudice our minds in coming to a decision by mentioning things which he hears either in the lobby or outside in the streets. That shows, Sir, what amount of responsibility we have really got, and what kind of men we have got in the Assembly and how seriously we can come to any conclusion on any important question. That, Sir, is my reply to my friend Mr. Munshi.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadian): May I point out to the Honourable Member that Mr. Munshi analysed the votes of the elected Members.

Mr. Muhammad Yamin Khan: Then it was asked whether the Governor General has treated this House with proper consideration or otherwise. I think, Sir, the Governor General had two courses open to him; one was to go to the Council of State, and the other was to refer the same question back to this House for its consideration. I think, Sir, by adopting the latter course, which the Governor General has done, he has shown the greatest consideration to this House. If the question had been referred to the Council of State, as my friend Mr. Jayakar pointed out, the object would certainly have been gained just in the same way. But by referring the question to this House, the Governor General has certainly shown the greatest consideration to this House instead of getting the decision of this House cancelled by another body, because he thought that possibly this House, after knowing something more about the matter, might like to revise its opinion. Sir, I personally have not got such a bad opinion of this House as to think that this House will be so obstinate or childish as to say that, because we have once decided a question in one way, therefore we should not listen to any other argument, whether we were right or wrong. I certainly have got better expectations of Honourable Members of this House, and I think he is no sensible man who is not willing to revise his opinion in the light of fresh arguments that may be advanced in support of a proposition.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I hope the Honourable Member will change his opinion about Reforms.

Mr. Muhammad Yamin Khan: Sensible people are those who will change their opinion the moment they find that they have made a mistake in arriving at a certain conclusion in the first instance.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Will you change your opinions?

Mr. Muhammad Yamin Khan: When we examine the whole question on its merits, then and then alone can we find out whether we were right or wrong.

Now, let us see the action of Mr. Jayakar and Mr. Kelkar. They said that they did not like to vote on the question of 8 annas and 10 annas. What did they do? They remained neutral; they said that they showed their responsibility by remaining neutral. Is that the way of showing your responsibility? If any Honourable Member felt that a certain reduction was wrong, that the motion was wrong, his duty was clear; he should have walked into the other lobby; he should not have stuck to his seat and remained neutral. Whenever I feel that a certain thing is wrong, I would never hesitate to walk into the other lobby, irrespective of the fact whether somebody was pleased with me or not. Whom are you going to please? You are pleasing nobody; you are not pleasing even your own conscience. Your conscience told you that you were doing something wrong in keeping back your vote, and still some of my friends say that they have been exercising their responsibility in the right manner. I am surprised, Sir. I have been observing the greatest change during the last 7 or 8 years that I have been in the Assembly. I have found marvellous changes in these 8 years' time, not towards responsibility, but towards irresponsibility. Anyhow, Sir, I have still got hopes of my countrymen that they will not do any kind of injury to their country; they will not

hamper the progress of the Reforms by showing any sense, of irresponsibility in this House. Our actions are very carefully watched; each action of ours is weighed properly. Therefore, I would appeal to the House not to show any sense of irresponsibility in this matter; I would appeal to them to do good to India, to do good to this House

Mr. President: What about the merits of the amendment?

Mr. Muhammad Yamin Khan: I am coming to the merits of the amendment, Sir. We find that Rs. 65 lakhs are going to be reduced by this cut. Where is this large amount of money to come from?

An Honourable Member: From the Army Budget.

Mr. Muhammad Yamin Khan: My Honourable friend says it should come from the Army Budget. Under the present circumstances when we have trouble on the frontier, I am surprised that some of my friends demand that there should be a reduction in the Army Budget. I don't like to say anything more about it. (*An Honourable Member* "Why not"?). What is the demand of this House? My friend, Dr. Moonje, will come forward and say that he wants rifles for school children, and he wants money for various other things which are called our national demands. Instead of pressing for those demands, we say we are not going to give you the necessary funds

Dr. B. S. Moonje (Nagpur Division: Non-Muhammadan): Is all that money to be reserved for starting rifle associations?

Mr. Muhammad Yamin Khan: I will just reply to you. The only point is your object can be gained by continuously pressing your demand.

Dr. B. S. Moonje: Can you get the Government to reserve that sum of money for training Indian boys in military drill and rifle practice?

Mr. Muhammad Yamin Khan: Then there are the provincial contributions

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): There are no provincial contributions.

Mr. Muhammad Yamin Khan: I think, Sir, it is not the consumer who gains by this cut. Now, if the consumer gains, I think this House ought to vote. If these 4 annas were going into the pockets of the consumer, we would have been willing to vote for this. But what do we find? These 4 annas will not go into the pockets of the poor consumer; but will go into the pockets of the middleman. You want one pice to be reduced on 2½ seers, but there is no poor man who purchase salt more than a *chatak* at a time. If a poor man goes to purchase a *chatak* of salt at one time, will this one pice, which you want to reduce, have any effect on the purchasing value of a *chatak* of salt? Certainly, it will not have any effect. The poor man, the labourer who is working in the street gets about 4 or 5 annas a day, and such a man has not got sufficient money to purchase his provisions on a large scale for the whole month. He gets his wages daily and he has to buy his provisions daily. If he makes purchases daily, then he cannot purchase salt of more than a pice worth. What he usually does is, he goes to the bazar and asks for a bit of salt, a bit of pepper, a bit of something else and so on, and all that comes to two pice. All these things are given on a small piece of leaf of a tree. Do you think these

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poor customers, who buy two or three crystals, are really benefited? Who is benefited? It is really the middleman who makes lakhs and lakhs. I was told yesterday by one middleman that, by this cut, he would make Rs. 1½ lakhs in one day . . .

Diwar Ohaman Lall (West Punjab: Non-Muhammadian): How?

Mr. Muhammad Yamin Khan: He makes it because he has indented for something. . . . (An Honourable Member "He loses.") He orders from the other purchasers to whom he supplies and he has put in his orders to the Government . . . (An Honourable Member "Does he lose or gain?") I think Rs. 65 lakhs are going into the pockets of the middlemen, and if you think we are speaking on behalf of the middlemen, then certainly we can throw out this amendment which has been moved by the Honourable the Finance Member and vote for one rupee. But if you want to benefit the poor man, then my Honourable friends Messrs. Jayakar and Kelkar ought to have voted for eight annas, for that would have done some substantial good to the consumer. But this four annas' reduction is not going to do any good. There is nobody who buys 2½ seers in the whole month, and by this reduction you reduce one pice only on the price of 2½ seers. Therefore I think that, on the merits of the case, we are not benefiting the poor consumer in whose name we are speaking, by this four annas reduction, and we would be really doing some good to the middlemen.

Mr. A. Rangaswami Iyengar: Although the question of the merits of the restoration of the salt duty from one rupee to one rupee and four annas was briefly dealt with by the Honourable the Finance Member, the real question before the House, I submit, is something very much more serious. The real question is, are we here only to register the decrees of the executive Government of this country? If we are mere registering machines for the executive Government of this country which the present recommendation indicates, then I say it is up to the Government to be open, to be honest and come here and say, "We want to govern by our will. We want to make our own expenditure programme, we want to make our own revenue programme. We won't allow you to meddle with it in any way; we will restore every item of expenditure which you cut out, or restore every reduction of tax which you make. We have that power and we propose to exercise that power." If that is so, I say it is the duty of the Government to say so at the very outset.

With your leave, Sir, I may be permitted, without touching the point of order which was decided by you on the rules as they stand, to put it to the House that the entire scheme of the rules, if they are as they are now interpreted to be,—the entire scheme of the rules—is inconsistent with the scheme of the Montagu-Chelmsford Act. Section 67-B is the section by means of which essential legislation can be undertaken by the Government for their own purposes, for the purpose of carrying on the government of this country. In so far as those powers are concerned, the procedure by means of recommendation was the procedure which the Joint Parliamentary Committee substituted in place of what was known as the Grand Committee procedure. So far as essential legislation is concerned, the Governor General should recommend to this House that it is essential for the safety, tranquillity or interests of the country that a particular legislation should be passed or should be passed in the particular form in which His Excellency recommends it. I say on a proper construction of

the Government of India Act this recommendation ought to be appended to every essential Bill at the outset. Either a matter is essential to the safety, tranquillity or interests of the country or it is not. If it is essential for the safety, tranquillity or interests of the country, then the Government is failing in its duty, and its advisers will be failing in their duty, if they, at the very outset, conceal that fact from the cognisance of the Assembly when they bring their Bill originally before the House. If it is essential, then they have committed that wrong. If it is not essential, if, on the other hand, they think that the normal course of legislative procedure should be adopted in this country when they bring in a Bill, when they find that a Bill has been altered in a manner not to their liking, it is not right, it is not honest for them subsequently to come and say, "Oh, no. We did not consider it essential, but now that you have refused it, for the reason that you have refused it, we consider it essential." If it is essential, it is due to us that the Governor General or the Government must say so at the very outset. I say that is the scheme of the Government of India Act and that is the basis upon which, if you will read the Joint Parliamentary Committee Report and the Montagu-Chelmsford Report, the whole thing is based.

A good deal has been said about the opportunity for reconsideration which we are given by this very kindly and paternal act on the part of the Governor General, on the advice of the Government. So far as that is concerned, I say the Act conceives only of two kinds of legislation,—that which is to take its normal course, and that which the Government consider ought not to be left to its normal course but ought to be enacted by the certificate procedure because they consider it essential for the safety, tranquillity or interests of the country. If it is a mere case of rectifying a mistake made by us, I say the Act has provided two distinct methods by means of which the mistake can be rectified. In the first place, the Bill may be taken to the Council of State and there amendments may be proposed for rectifying the wrong decisions of this House, not because they are essential but because they are wrong. In other words, if the legislation is essential, the Government must say so at the very outset. If it is merely wrong, they must go to the Council of State and try to set it right. Assuming that the Council of State sets it right, then it is brought back to this House and the procedure is provided, that the Government should then move that we do agree with the amendment made by the Council of State and that will give us an opportunity to reconsider the position. That is one opportunity. The other is one vested in the Governor General himself. So far as the Governor General is concerned, apart from the Government which may move that the Bill, as amended by the Council of State, be agreed to by this House, so far as the Governor General is concerned, suppose both Houses have committed a mistake and wrong decisions have been given upon a particular Bill, or particular clauses of a Bill, then section 68 of the Government of India Act gives the Governor General the fullest power to send back the Bill for the reconsideration of this House, pointing out that particular clauses should be modified, because in his opinion they are wrong. Such procedure has been repeatedly adopted in the provincial Legislatures, as well as in the Central Legislature, and the Viceroy, when he sends it back to us for reconsideration, through a Member of Government, takes the opportunity, in this House, to explain why the Governor General, in his opinion, thinks that the House should reconsider the decision which it has adopted, and then we discuss the question on the merits.

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Those are the occasions, those are the means by which opportunities for reconsideration are provided to this House. That is not a procedure which the Act has contemplated for what is known as essential legislation. I say essential legislation is essential legislation from the very outset and I say the rules under which this motion is made are in a sense *ultra vires* of the Government of India Act—in the manner in which they have been enacted.

Mr. President: Order, order. If the Honourable Member wanted to suggest that the rule under which I have given my ruling is *ultra vires* of the Government of India Act, he should have raised that point yesterday. No one raised that question and the Chair was not called upon to decide it. It was assumed all along that the rule was there and the interpretation of the rule was in question. There was no question whether the rule was *ultra vires* of the Government of India Act.

Mr. A. Rangaswami Iyengar: I only put the point. I do not by any means question the ruling. Nor do I seek to raise a point of order on the question whether the rules are *ultra vires*. I will content myself with saying that the scope of the rules is inconsistent with the policy of the Government of India Act. I shall put the case at that and leave it there. So far as the question of *ultra vires* is concerned, it is a matter which we are at liberty to raise in a court of law. Therefore, all I can say is that the procedure which has been adopted by the Governor General, namely, the recommendation procedure is entirely different from—and it is a travesty to call it—an opportunity for reconsideration, for what does the Viceroy say by means of this recommendation. He says: “Notwithstanding the fact that I did not think or did not choose to tell you at the outset, that this thing was essential to the safety, tranquillity or interests of India, since you have chosen to alter the duty, I now tell you that it is essential for the safety, tranquillity or interests of India and therefore I call upon you to alter it at once. If you alter it, well and good for yourself. If you don’t you can go and hang yourself. I am going to make it law, in spite of your saying ‘aye’ or ‘nay’.” That is the meaning of the recommendation which was handed to you, Sir, yesterday in this House, and we are told by Mr. Yamin Khan and by certain other people “Oh, it is a very paternal and kindly act on the part of the Governor General to give you this opportunity”. Sir, the plain question before this House is “Are we to be treated like children in this House?” If the Viceroy really thought that this thing was essential—and I presume he thought it essential—I do not say that it was an afterthought, if the Government thought that the entire budget was sacrosanct, that they would not allow any material deviation from the budget, that they would restore every cut, and that they would restore every amendment made in the Finance Bill, that the Finance Bill could not be altered on pain of being certified, that the budget Demands for Grants could not be altered on pain of being restored, I say, then, Sir, that the sooner the sham is ended the better. What are we here for? What is the object of putting this budget before us? Either we should consider it on the merits, and if our proposals are reasonable, it is for the Government to say, “Very well, it is reasonable and we are prepared to accept it,” or if they are unreasonable the Government should adopt the ordinary procedure by means of which you take it to the Council of State and get the mistake rectified there. If that is not rectified there, you can send

it back under the reservation provisions of section 68 again for reconsideration. That is the procedure. If, on the other hand, you say that you shall not permit the slightest deviation from your proposals in the Finance Bill and from your proposals in the budget, and that if we make it, there the certification goes—if that is the position, then why call upon us to sit here and waste all this time in making proposals?

The Honourable the Finance Member has promised a good many things this session. I really wonder whether five years will be enough for him to implement all the promises he has made in the course of this one budget session. And there are four more budget sessions yet to be faced! Therefore, I think that, if the House owes anything to its self-respect, if it really thinks that it is a representative body, that it is really called upon to discharge its duties to the taxpayers of this country, it ought not, for very shame, accept this impossible and humiliating position in which it has been placed by the Governor General on the advice of the Government.

Then, Sir, on the merits, is it really necessary that in the interests of the safety, tranquillity or interests of the country that this duty should be restored? The Finance Member asked “If we lose 65 lakhs, where can we find the money?” That argument will apply to every item in the budget. So long as we are a non-official majority, so long as we have only the power of criticism, we cannot take it upon ourselves to suggest alternative schemes. Nor can the Finance Member take the responsibility for executing them when he himself does not agree with them and we are not placed in the position to undertake the responsibility in his place. The position is an impossible one. We are asked to assent to the budget, tied hand and foot at every stage. I do not think this 65 lakhs is such a formidable sum, that the Finance Member cannot find a provision for it. There are so many things in the budget, by means of which this 65 lakhs could be dealt with, without humiliating this House into eating its own words. There are many things upon which the Government have embarked, which are of a discretionary character. My friend Mr. Chaman Lall referred to the Army expenditure. My friend Mr. Yamin Khan thought of the clouds on the North-West Frontier Province. If they want money for the North-West Frontier, I am sure they have the power to incur expenditure under the emergency provisions. Then there is the normal Army expenditure. The present Army expenditure is deliberately put at 55 crores, and it has been stated in this House by the Finance Member that there is a convention between him and the Army Department, under which they are to go on making savings, and that those savings were to be available to them for various new projects of expenditure which they have been wishing to embark upon. The saving expected is about 2 crores per annum and this 65 lakhs would only amount to less than one-third of the reserves thus accumulated. As I have already stated in the House, there are many other reserves which could await being added to, and this paltry sum of 65 lakhs could easily have been found in a budget of 250 crores. Therefore, Sir, I do not think that matters.

The Finance Member then said that the remission of the salt duty is not really a measure called for in the interests of the poor in India and that the middleman would carry away whatever remission might be made in the duty, and that the poor ryot would not get the benefit of it. Such touching sympathy was trotted out by the Government for the poor man! What is the position? I am prepared to say, on the floor of this House, that I am not one of those who, in point of abstract theory, think that a salt

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tax *per se* is objectionable, but I am not one of those who, on grounds of sound financial principles, would accept the proposition that the salt duty should be allowed to remain and that, if we get more money than is necessary, it should be used for purposes of beneficial expenditure. I do think it is sound finance to go on taxing the poorest of the poor in this country with a view to spend the money on schemes of a developmental character which may or may not benefit him. In the next place, I think it will be agreed that a tax like the salt tax ought to be what may be called a financial reserve. It ought to be the financial reserve of all Governments. Any Finance Minister who has got to face the difficulties of this country, which is subject to varying monsoon conditions, should naturally want to keep the salt duty as low as he can possibly keep it, so that, in a time of difficulty, it would be the easiest means for him to find the money from. I would treat it as a financial reserve and not a reservoir for embarking upon developmental expenditure. I say, Sir, it is an unsound financial proposition to say that the salt duty should be continued and that the extra income got out of the salt duty should be employed on various developmental schemes. I repeat, Sir, that the salt duty should be kept as low as possible: in fact that it should be repealed altogether, so that in time of unexpected deficits, in time of financial emergency, it will be possible for Government to go to that source and recoup themselves to meet such deficits. That is my financial criticism of the proposal to restore the duty and I object most emphatically to the motion of the Honourable Sir George Schuster.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I thank you, Sir, that at last your eyes have fallen upon me.

Mr. President: Does the Honourable Member suggest that each time he stands, I should call upon him?

(Mr. Acharya essayed to speak.)

Order, order. Does the Honourable Member understand the insinuation that is involved in his first sentence?

Mr. M. K. Acharya: I only say I had stood ten times before your eyes fell on me, Sir.

Mr. President: The Honourable Member is bound to stand as many times as is necessary until I call his name. It is highly improper for the Honourable Member to use language likely to be construed as a reflection on the Chair (Cries of "Withdraw, withdraw").

Mr. M. K. Acharya: I withdraw, Sir, if you think there has been any insinuation, which I did not intend.

Sir, I desire today to plead for the Government and with the Government; in other words, I do not desire to plead with my Honourable friend on my right; for I feel that the Government, in the motion they now propose, are doing something which is really against the best interests of Government itself. When finally opposing the clause relating to the salt tax, I expressed the hope, which I now find was not well founded, that the members of the Government would think twenty times over before advising His Excellency to do anything which might seriously interfere

with the decision of the House. I am sorry that my humble advice fell on deaf ears. I am sorry that Government, unwisely in my humble opinion, have advised His Excellency in a very, very wrong manner. Sir, it has been said that there are a good many considerations, a good many aspects involved in the measure which we are now asked to reconsider. Sir, it has been the chief argument of the Finance Member today—though it is not a very new argument—that there will be a deficit of 65 lakhs in the revenue of the Government of India, which he thinks he could not easily make up; and in order, therefore, not to take the trouble either to retrench or economise, in order not to take the trouble to find how the 65 lakhs could be made up, he has advised the Governor General to incur what is, I consider, the odium, the very undesirable odium of the whole country by flouting the considered views of this House.

I am sorry that, in this respect, I differ from my Honourable friend, Mr. Yamin Khan, who thinks that the reduction of 4 annas would not benefit the consumer but only the middleman, and who therefore thinks he should welcome this opportunity to revise the decision we had arrived at on a previous occasion. It would have been better if we had been spared this very ambiguous compliment. We do not want to be told that we had been foolish boys and that we should behave better today. I am sorry that any responsible Member of the Government, who wants to cultivate good relations with this side of the House, should tell us that we have been bad boys. Is this the tact, the diplomacy, the political skill which the gentlemen sitting over there claim so very often? Is this the attitude they desire to adopt in dealing with the non-official Members of this House? Sir, I deplore such want of tact. Sixty-five lakhs is nothing when compared with the goodwill of the people at large; it is a trifle. And yet we know how many great events in life hang on trifles. Some of the greatest events in history have hung on trifles. How much of this reduction will go to the poor man does not matter. There is a strong feeling throughout the country that Government are not prepared to allow the non-official Members to interfere, even to the least extent, in their decrees. Dealing with the larger question of policy, His Excellency, in his opening speech, has told us that he is anxious to create goodwill among all, an atmosphere of mutual goodwill between the rulers and the ruled. Is this the way to create an atmosphere of mutual goodwill between the rulers and the ruled, especially at this time when great constitutional changes are expected in the course of the next few months? Is this the way Government are going to ask the people in this country to have confidence in them? I feel, strongly, that Government ought to realise that it is a very unwise step that they are now taking. Sitting in their own secluded chambers, if they had asked the Governor General to certify this Bill, without coming to this House, it would be unfortunate to some extent, but it would be less irritating. Sir, I am prepared to admit that this question of the salt tax is one of sentiment; but a man would be a beast if he had no sentiments. Sometimes those sentiments may be inconvenient to some people but a man without sentiments would be a brute. Even the brute, I think, has got its own sentiment. What though this is a sentimental objection? Nine-tenths of a man's life consist in sentiments. A sentimental objection may yet be a very strong one. Sentiment has got to be respected in very many cases. Therefore I am sorry that Government have not regarded the matter from the larger political and diplomatic point of view. We are going out very soon to the country at large; do the

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Government want to irritate the electorates; do Government want that we should oppose them the next time we come elected here even more strongly than ever before? If they want that we should come back and oppose them a thousand times stronger than at present, they cannot goad us better than by bringing in this measure today, and having this salt duty restored.

My friends have said very often that no amount of appeal, that no plaintive cries will reach the ears of this deaf Government. In view of such standing complaint, I consider that Government, on this occasion, have been exceedingly ill-advised; that it was very wrong on the part of His Excellency's advisers to go and tell him, just at this moment, which is going to mark a constitutional epoch in the history of modern India—to go and ask the Governor General to adopt this very, very odd procedure of coming to this House in the manner that has been chosen. I deplore that such cheap advice has been given by the Government Members to His Excellency.

I desire, Sir, to repeat the argument that has been advanced, that 65 lakhs is almost nothing; that if the Honourable the Finance Member has got the will, he can certainly find the 65 lakhs. My Honourable friend, Mr. Rangaswami Iyengar, in the closing portion of his speech, pointed out how the Honourable Finance Member could easily draw 65 lakhs from the reserves, either in the Army Department or in some other department. I do therefore say from the standpoint of the constitutional development of this country, that this is a very unfortunate procedure. It is admitted on all sides that here Government have got only a perpetual permanent opposition, which deals only in irresponsible destructive criticism. Whose fault is it? One of the best political writers of England has said that the only antidote against irresponsible criticism in any popular House is responsibility. If that is so, is this the kind of responsibility that you are going to give us? We carried a small reduction only a few days ago; and within a few days, you come back to us and say, "Eat your own words and go back to Rs. 1-4-0", for the sake of such a paltry, insignificant sum as 65 lakhs, out of 100 crores and more which you are going to spend. Sir, I must deplore greatly the want of tact, the want of judgment, and the want of wisdom on the part of those who are His Excellency's advisers today.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Mr. President: I find there was some misunderstanding. I thought I had said, ~~when~~ adjourning, that we would meet at twenty minutes to three; but I was told that I had said ten minutes to three. I regret the slip.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, my Honourable friend, Mr. Yamin Khan, referred to what he described as the

marvellous change in the attitude of this House. He thought that, since the days when he and I were Members of the first Assembly—an elected member he was at that time, if I may remind this House—the sense of responsibilities displayed by the non-official Members has been a diminishing quantity. Well, Sir, I want now to testify to the marvellous change that has come about in the attitude of my Honourable friend himself (Laughter).

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): He has lived to learn!

Mr. K. C. Neogy: While speaking on the budget in the year 1922, this is what the Honourable Mr. Yamin Khan stated with regard to the criticisms against the salt duty:

"I endorse all the speeches of non-official Members of this House about salt."

An Honourable Member: The duty was Rs. 2-8-0 at that time.

Mr. K. C. Neogy: All the criticisms which my Honourable friend endorsed on that occasion were to the effect that the salt duty was an impious taxation, that it ought never to be imposed, and that the rate at which it stood at that time was not acceptable to this House. All that he endorsed in his own speech in the year 1922. My Honourable friend seems to think that the only way of establishing our sense of responsibility is meekly to submit to the dictation of His Excellency the Viceroy on the present occasion. He forgets that, unless this House has some amount of self-respect, you cannot expect any sense of responsibility to be developed by it. Surely, Sir, self-respect precedes the sense of responsibility. When this particular section of the Government of India Act, under which the Viceroy has taken action, was under discussion in Parliament, several Members of the House of Commons pointed out that the wide powers that were sought to be left to the head of the administration would reduce the Assembly to the position of a mere nonentity. If, as they pointed out, it was intended that non-official Members should develop a sense of responsibility in them, then surely it was not right to invest the head of the administration with arbitrary powers which he could exercise in putting down the considered views of the popular House. When a specific amendment was moved to this particular section, seeking to circumscribe its scope, Mr. Montagu, in replying on behalf of the Government, admitted that the Honourable gentleman who moved that amendment "had raised a point of supreme importance." But then he went on to assure the House that the terms of the section itself guaranteed a very discreet and a very cautious use being made of this extraordinary procedure by the Viceroy. He said: "It is not any measure which affects the interests, it is a measure which the Viceroy can say is 'essential'". He pointed out that the stress was on the word 'essential,' and not on the word 'interests'. Sir, on the statement which has been made by the Honourable the Finance Member this morning, I venture to think that he has failed to make out that this particular measure is really essential in the interests of British India. What he said was that the amount of loss in revenue, which would stand at Rs. 65 lakhs, could be met by making reductions in certain beneficent items of new proposed expenditure. Well, if he had only striven to carry out the wishes of this House, he could easily have adjusted this deficit. Surely, Sir, it would not be difficult to find out items of a non-recurring character, which would sustain the reduction, and which would, in the aggregate, meet this deficit of

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Rs. 65 lakhs. Therefore, I say that, even on the statement made by the Honourable the Finance Member, the Government have failed to establish that the proposed amendment is indeed essential in the interests of British India. It is a matter of convenience perhaps to my Honourable friend that the budget is not to be upset to any extent, but that, Sir, surely, was not contemplated by the framers of the Government of India Act to fall within the category of cases which they had in mind in enacting this particular clause. If we study the history of the Government of India Act, we find that, whether it is in the Montagu-Chelmsford Report, or in the Report of the Joint Select Committee of Parliament, or in the discussions that took place in the House of Commons on this measure, all that the authorities were contemplating was a state of grave emergency, in which the popular House might refuse to pass any legislation that the executive wanted to arm themselves with. And it is also clear, I submit, that the authorities in England had no idea of extending the benefit of this extraordinary procedure to a measure of taxation. Everywhere they speak of affirmative legislation, affirmative legislation which would be needed to enable the Government of India to carry out their essential obligations in the matter of the good Government of India, obligations for which they are accountable to Parliament.

Sir, in this connection, I am reminded of a somewhat similar formula that was at one time in force in the case of the Canadian constitution. About 170 years back, when the Province of Quebec was acquired from the French, and a regular form of Government had yet to be established, General James Murray was appointed Governor General and Governor-in-Chief of the Province of Quebec, and was charged with the duty of constituting a Council of nominated and other non-official Members. And elaborate instructions were issued to him to formulate a scheme of Government with the assistance of the Council. Large powers were left to that Council, and it was laid down that they could make rules and regulations necessary for the "peace, order and good Government" of the said Province: "Peace, order and good Government"—almost a paraphrase of the formula that we have in this particular section of the Government of India Act. But those instructions to the Government of Quebec made it quite clear that no measure should be passed, in virtue of those extraordinary powers, which would impose any duties or taxation against the wishes of the people. Sir, It seems to me that we have yet to arrive at the constitutional position which the Canadian Government occupied 170 years ago. (An Honourable Member: "Shame"). I do not think that the Honourable the Finance Member himself, if he were free to express his views on this question, would cast his vote so as to stultify the decision which this House had already taken. The Honourable Member has referred to a telegram which he has received from certain unknown quarters, jointly addressed to him and to my Honourable friend, Sir Purshotamdas Thakurdas. Sir Purshotamdas Thakurdas is not here today, and although he did not vote with us on the last occasion, when we effected this reduction, I am sure, if he were in his seat today, he would have cast his vote with us in upholding the dignity and self-respect of this House.

Mr. Lalchand Navarai: Sir, I oppose this amendment, and I oppose it very strongly. This amendment has been moved by the Honourable the Finance Member. From what I have seen of him during the sittings of

this House I consider him to be a gentleman. His actions throughout have been those of a gentleman; but, Sir, on this occasion, I am sorry I have to say that he cannot be congratulated for having advised His Excellency the Viceroy to ask that this recommendation should be made and that this amendment should be moved. I know, Sir, that when gentlemen come here from England, the atmosphere here certainly does affect them; but I feel that, in his case, it has come a bit too early.

Now, Sir, as regards this amendment, I think it would be wrong on the part of any of the Honourable Members to go back upon the Resolution that they have so deliberately made in this House. I do not want to reach this question from irrelevant points; I will touch a few points on the merits, and before I do that, I submit that this question has been debated many times now on the floor of this House and therefore it does not require me to elaborate these points. The last time this cut was moved, I gave my silent vote, because I thought that, when this cut was moved, the mentality of this House was that this was an important issue, and was of such a nature that the public wanted that there should be no taxation on salt at all; and I felt that the House recognised the necessity of making that cut, and therefore I gave my silent vote. But, Sir, now that this question is being reached in an extraordinary manner, I think I would be failing in my duty if I did not join hands with my Honourable friends who have opposed this amendment.

I shall come now to the procedure which has been adopted, and I must say that I endorse fully the opinion given by the Honourable the Deputy Leader of the Swaraj Party. I do not agree that this recommendation on salt comes within the purview of any of the words of section 67B of the Government of India Act. It is certainly not bound up with the safety, tranquillity or interests of British India. I submit therefore that the procedure is wrong, but the present is not the stage when we should say that the procedure is wrong or right, because that stage has passed. The amendment has been moved, and it has been thought proper by the Honourable the Finance Member to move it. We must therefore consider it on the facts as they are there. And, Sir, so far as these facts are there, I do not see that any of the Honourable Members, who have got up to support this amendment, have given any new reasons. The reasons are the same and they are being repeated over and over again. I shall not therefore go into those points, but I must say that there are two or three points that should be judged. The first point is that, when any taxation is going to be levied, it must be levied, under all principles, under all rules and under all fundamental principles, with the consent of the people; and I submit, on this question of salt tax, the exemption of which has been from time to time pressed by the public, this cut should not have been sought to be restored. I call it adding an insult to injury.

Then again, Sir, it has been said that there are two difficulties in the way. One is that a deficit of Rs. 65 lakhs will occur on account of this cut being made. What is this Rs. 65 lakhs? Is the Government going to come to a standstill if this small reduction is made? Sir, as to how this reduction should be made up in some other way, is a question for the Treasury Benches to solve for themselves; for I know that the budget that has been presented is in the hands of the Treasury Benches and of the Honourable the Finance Member and they know how to turn and twist the

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figures; they know how to make and unmake, and it is therefore for them to do it mathematically or unmathematically as they like. While on that point, Sir, I would say that a suggestion has been made that a cut could be made in the Army expenditure, and several other suggestions have also been made. I would suggest one more method. It is recognised that it is a notorious fact that this Government is a top-heavy government. Why not cut and reduce the pay of a few officials on the top and make up these Rs. 65 lakhs? (Laughter). It would be very easy to do that; but it touches their pockets and therefore they do not want to do that; they want to touch the pockets of the people always and not their own, and that is not right at all.

As regards the second point, Sir, that was urged by the Honourable the Finance Member, that the benefit of this small cut would not reach down to the public, I would submit that, according to the mathematical calculation of the Finance Member, the effect of a four annas reduction would be only a reduction of a pie per seer of salt. But when the public want relief, any little relief that can be given is welcome to the public, and on that ground the Treasury Benches should not insist on this cut being restored. I submit, Sir, that it is not necessary for me to add anything more. I would appeal to the House that we are in honour bound to stick to our Resolution that we have so deliberately and definitely made on the floor of this House in the first stage, and I would therefore oppose this amendment very strongly. That is all I have to say.

Mr. President: The question is:

"In clause 2 for the words 'one rupee' the words 'one rupee and four annas' be substituted."

(The Honourable Sir George Schuster rose to speak.)

Does the Honourable Member wish to say anything?

The Honourable Sir George Schuster: May I speak in reply?

Mr. President: The Honourable Member has no right to speak; he has moved an amendment, and the Mover of an amendment has no right of reply under our Standing Orders.

The Honourable Sir George Schuster: I ask your permission, Sir, to do so.

Mr. President: I have never on any occasion, since I have occupied this Chair, given permission to the Mover of an amendment to reply; and I think it will be establishing a precedent; but if the House wants to hear the Finance Member I do not propose to stand in their way in the special circumstances of this case.

An Honourable Member: What is the use of hearing him?

Another Honourable Member: Some other Member might also wish to speak.

Mr. President: The question is:

"In clause 2 for the words 'one rupee' the words 'one rupee and four annas' be substituted."

The Assembly divided:

AYES—46.

Abdul Aziz, Khan Bahadur Mian.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyed.
Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.

Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—41.

Acharya, Mr. M. K.
Ayyangar, Mr. K. V. Rangaswami.
Chaman Lall, Diwan.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Sahab.
Haji, Mr. Sarabhai Nemchand.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jumnadas M.
Mohammad Ismail Khan, Haji
Chaudhury.

Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Roy, Mr. B. O.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

The motion was adopted.

The Honourable Sir George Schuster: Sir, I move that the Bill as commended be passed.

Mr. N. C. Kelkar: Sir, I wish to address a few words to this House on s, the final reading of the Finance Bill, which is, of course, as we know, the coping stone of the financial design which was unfolded before us on 28th of February last, though of course we know, at the same time,

[Mr. N. C. Kelkar.]

that the measure of expenses is not necessarily the measure of the revenue that has been asked for by this Finance Bill. In doing so, however, I will not go over again some of the constitutional issues which were discussed, or into the details of the administrative grievances which were ventilated by other speakers in the earlier stages of the Bill on the floor of this House.

But I shall cover entirely new ground; and even then points which are strictly relevant or pertinent to the results of the Finance Bill. I shall only add that, whereas the Finance Member listened to the speeches from these Benches at the earlier stage with *anxiety*, born of doubt of uncertainty about the vote of the House, he can now listen to the speeches on the final stage with his mind *at ease*, because he knows that he is going to get the supplies he wants almost in their integrity.

An Honourable Member: He will get them whether we vote them or not.

Mr. N. C. Kelkar: Sir, the control of this House on the financial operations of the Government is already extremely limited. But insult is added to injury, when the Treasury Benches complain of the time taken by this side of the House over the discussion of the budget and the Finance Bill, and when the heterogeneous allies of the Government Benches produce homogeneity, in resorting to unparliamentary methods for suppressing the speeches of Members on this side of the House, as they very unwisely did on the 20th of March.

I am not here to defend the deliberately dilatory methods, if they were employed by any speakers, nor am I prepared to swear that there were no repetitions of the same matter in some cases. But I can also say with certainty, that there were speakers who were left out, even at the closure, who did want to speak, and who had also many things of substance to speak upon. What I mean is that, if it is permissible to comment upon the administration generally, or impeach the constitution and policy of Government, in speaking upon the Finance Bill, then, there is no reason for anybody to complain that so much time was taken up. Nor was there any just excuse for the impatience exhibited on the 20th instant by certain members on that side of the House. I must say, in fairness to the Treasury Benches themselves, that they did not participate in the disturbance, and kept their stoic dignity, though internally impatient. But in my opinion, the ultimate responsibility for all this awkwardness of the situation and loss of good temper falls on Government, by reason of the arrangement of business which they make. And in this connection, I would repeat the suggestion, I made in my budget speech, that there should be a reconsideration of the time of the sittings of this Assembly. Personally, I would suggest that the Assembly should be summoned in the third week of November and should sit on till the third week of December, during which time much legislative business could be finished. Then it should meet again in the second week of January and go on till the 2nd week of March. In any case, full 25 to 30 clear days should be found for the discussion of the national finance, in all its forms and aspects. I have suggested an extended period for the session of this House, on the assumption that it would be tedious to have a concentrated discussion of the same subject from day to day for four weeks. Then, again, it may be considered whether something could not be done to separate completely the discussion of the general administration and the constitutional issues from matters of

pure finance, instead of their being mixed up as at present. I feel fortified in my plea for a longer number of days for discussion of finance by the fact, that, from the Parliamentary proceedings I find that from 50 to 60 days are made available for this business only in that House, and these are spread over a long period from February to August. On the other hand, I find that no less than 12 days are allotted for the discussion of Demands for Grants, even in the Provincial Councils. The writer of the Bombay Report on the working of the Reformed Constitution for 1927, says that:

"Nevertheless these 12 days are not found sufficient for the purpose. There has not been a single budget session when a considerable portion of the Demands (more than one third) had not to be passed without discussion, owing to the time limit having been reached."

But this means that the Bombay Council could boast of discussing as many as two-thirds of the total number of Demands for Grants. On the other hand, how many Demands are discussed in the Assembly in any year? The discussion on the questions of the Army, Executive Council, Secretary of State, etc., of course, has its own use, as they are the principal nerve centres of the administration. But there are scores of other matters which deserve scrutiny, which are studied by several Members of the Assembly, but which are shut out for want of time. It is said by the Poet, "Culprits are hanged that jury-men may dine". But in the present case, the phrase **may well be varied, and it may be said that many a departmental culprit among the Demands for Grants for expenditure is "saved by the guillotine"**, in order that the Government Members may go to attend their club or office. To name but a few, I would mention Interest on Debt, and Reduction or Avoidance of Debt, Department of Education, Health and Lands, Commerce Department, Administration of Justice, Agriculture, Industries, Currency, Irrigation, New Capital at Delhi, etc.

At present there is no encouragement to the study of details by the Members of the Assembly, owing to the fact that the opportunity to speak is more or less a gamble, and convention naturally requires that the Front Benches should have their share of time practically reserved. The Chair cannot do all the justice that I know it wants to do to the Back Benchers, simply because the time at its disposal is short, and it must slice it out as best it may, trying to be fair and equitable to all parties and interests, and true to all established conventions. Among the so-called Back Benchers, however, you have many earnest souls and careful students, and if this House or the Government do sincerely want to put a premium on assiduous study of such affairs as are brought under the purview of this House, a radical change must be effected in the present disposition of the arrangement about the Assembly sessions, in respect of the total period of time and its distribution.

Legislation is and, of course, must ever be a very important function of this House. The very name, namely, Legislative Assembly, conveys that idea. But the financial business is in effect the real crux of responsible administration. As observed by a standard author on this subject,

"It is the financial engine that drives the State along, and it is public opinion and public criticism that keep the engine working smoothly and at full power."

The engine house, in the great factory of this organised State of ours, is the Finance Department or Treasury, and in that is placed the financial engine which keeps all the machines of the Government at work, turning

[Mr. N. C. Kelkar.]

revenue into public services just as a steam engine turns coal into power. In England and other self-governing countries the people have secured complete control of the Treasury, and through the Treasury, the common will of the people is made effective. In India we are at the mere beginning of things, and our understanding of the financial system is about on a par with our control of it. The Finance Minister has therefore got to be as much our instructor as our agent, and has thus a great trust to discharge. An unsympathetic expert at the helm can do India very great harm. But we on our part are determined ourselves, to learn the intricacies of financial administration and to exercise control over the Finance Member. And for this, we demand full facilities, informative material, sufficient time, and full opportunity for organised expression of opinion.

The control of the Assembly over national finance is very limited, and this fact is brought home to the Assembly in many ways. The non-votable expenditure is nearly double the amount of the votable expenditure.

In respect of practically all expenditure, the final authority still rests with the Secretary of State, and the Indian Government has not got financial autonomy even in respect of the non-votable expenditure. As regards the votable expenditure, there is the exceptional power of the Governor General in Council to restore the cuts made by the Assembly, and in respect of the Finance Bill, which may conceivably be used as a lever of control, it may be noted that many heads of taxation are permanent and only a few, those not very important, are submitted to the vote of the House. To add to this, the Council of State has got the power to upset decisions of the Assembly and to befriend the Government against the displeasure of this House.

I may also point out, in this connection, that the Assembly does not enjoy any control over the borrowing powers, and in a general way over the debt policy of the Government of India. The appropriation of the money raised by way of loans, of course, is included in the annual scheme of expenditure, but the House cannot do any thing beyond expressing its opinion about the policy of the details of the loan transactions. There is, however, no justification for exempting public borrowing altogether from Legislative control. The matter has also a constitutional aspect. The Executive can, if it enjoys immunity from the control of the Legislature, in determining its loan policy, increase the burden of public debts without paying due regard to the considerations of economy and the need of keeping the public expenditure within public income. It can always outwit the Legislature, when the latter does not provide funds for certain purposes, by making use of its borrowing powers, more so when all the purposes on which the public money is being spent, need not be approved by the Legislature. In England the proposals for raising loans are embodied in a Bill, and do not become operative unless it has, like every other measure of legislation, been passed by the Legislature.

These complications must be diminished, if the Legislative Assembly should have anything like real control over national finance. It is time that the Secretary of State divested himself of the controlling authority over the finances of the Government of India in the name of responsibility of Parliament. But since the measure of responsible government in India is to be determined by Parliament, according to the declaration of 1917,

we cannot entertain high hopes of the liberation of even the Government of India from the authority of the State Secretary, even in matters of financial administration. The authority given to the Council of State to revise the Finance Bill passed by the Assembly, is a superfluity or a supererogation, in view of the exceptional powers given to the Governor General, as we have seen today. Further, the scope of the annual Finance Bill must be widened and made broader than it is today. As it is, the Customs taxation is not included in the Finance Bill, except in respect of any material change that may be contemplated in the Tariff Schedule. The authority given to Government by the standing rules under the Tariff Act is so extensive, that Government need hardly go to the Assembly for any changes in the Schedule; and we may put it down to the desire of Government to show the clamouring Assembly some courtesy or pay the nation some sort of a compliment that the salt duty, postal rates and the important changes in the Customs tariff are put before the Assembly in the form of the Finance Bill. It may be contended that the submission of a comprehensive Tariff Bill to the Assembly every year may have the effect of unsettling business in the country. But if Government can trust the Assembly with all its imagined whims, vindictiveness and freakful nature, for disposing of taxation proposals, involving revenue of 30 crores, they can surely extend the same confidence and offer a larger target for the Assembly's broad-side of control every year.

Sir, I have thus tried to indicate the directions, in which the Indian nation suffers at present from want of control over its financial administration. But the Finance Member may turn round and say to me, "I am not responsible for this state of things. I cannot change the constitution, and therefore must work under it and according to it, so long as it is not changed." This, however, in effect goes very near to the witty slogan of Mr. T. P. O'Conner, the father of the House of Commons, who once said, "I will be damned, if I am buried before I am dead." My reply to the Finance Member, however, will be this: if you have any real sincere aspirations for the advancement of the financial freedom of the Indian nation, then the autocrat of the Treasury impersonally, should actively work in co-operation with us not only for the hastening of his own burial, but even for the accomplishment of his own death as an autocrat, and he, in doing so, must not consider himself damned in the operation. Such a voluntary effort towards the divestment by Government of its autocratic powers will only glorify the ever-boasted purpose of setting India on her own feet for self-government.

It may be said that even the Parliament in England does not exercise any greater control on the national finance than the Legislature in India. I do admit that a parallel does exist in this respect to a certain extent between the two countries. But that parallel, after all, makes up only one side of the shield, and we must remember that a shield has two sides to it and not one side only. I do admit from what I have read about the way, in which the finances are dealt with in Parliament, that the Parliament practically exercises no control over expenditure. That is to say, it has no control (exercised by itself) over extravagance, though it may have some control over irregularities, exercised through the Auditor General. The only matter of finance, in which Parliament exercises some control is taxation. But in both these respects, viz., expenditure and taxation, India has, in her present condition, much greater need for control than the taxpayer in England. With regard to the expenditure in England, Sir Herbert

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Samuel says, "So far as direct control of expenditure is concerned, estimates might as well not be submitted to the Parliament at all". So also Mr. Hilton Young says, "Once estimates have been published, the taxpayers' fate is sealed." And here I may read to this House a passage from one other book which makes it a parallel in this matter, namely, want of control over expenditure. I read the passage, for some of the reasons given there also apply to the state of things here. The passage says:

"Had it the best will in the world, it has little power. For one thing the estimates do not offer the private member material on which to form an opinion. For another he has not sufficient knowledge. He only knows what he can pick up from outside. The Minister has a skilled staff behind him and all the requisite information at his service: that makes the attack difficult, but what renders it nearly hopeless is that the defendant has been through it all before. It is perfectly certain that the attacker can raise no point which the minister has not himself examined with its officials, or which the Treasury has not queried. The material has been sifted through a finer sieve than any which the House of Commons can apply. The private member is further handicapped in that he comes too late. The Government have fixed upon the estimates many months before the discussion, and in their decision the House of Commons took no part. It was then that economy was made or marred, for having once published the estimates to the world, the Government stand or fall by them. Governments are too strong. They use their strength to the full. If a vote on a big estimate is rejected or reduced they resign. This looks like accepting the will of the House, but in reality is bludgeoning it."

I am also aware that half the yearly estimates before the Parliament are passed undiscussed. But the Parliament there can afford to do that, for, if the electorate found Government to be wildly extravagant, it can and will turn the Government out. On the other hand, it is natural that, so long as the electorate chooses to keep its own Government in power and does not upset it, it must trust it.

In India, however, it is quite otherwise. The Indian people do not elect their Government, and therefore, have no confidence in it. The people know that, within certain limits, the central Treasury and the Accountant General in India do keep a good watch on details of expenditure. But there is no one within the body of the Government who can control the spending policy of Government from the popular point of view. It may be said that even, if the Indian people have self-government tomorrow, all the present extravagance would not disappear. My reply to that is that, the objection is of course not altogether invalid. Yes, there may be not much economy in expenditure in the whole, I would even admit the truth of the maxim that democracies are costly, still the people would have the power to apportion the expenditure according to their needs and tastes, and that, after all, the error which you have the liberty to commit and which you commit as a matter of your discretion, is an act of self-realisation and what after all is self-government but political self-realisation?

Having said that much about the want of control in the Legislature in regard to expenditure, I would like to add one remark as to my vote on this Bill. If the amendment had not been made, against which I have voted, then I might not have voted against the whole Finance Bill. In fact, as Mr. Aney made the position clear for my Party the other day, we might not have opposed the Finance Bill, but for the Finance Member committing the mistake of making that amendment. Therefore I must say that I must vote against the Finance Bill at this stage.

Munshi Iswar Saran (Lucknow Division: Non-Muhammadan Rural): Sir, I rise to oppose the motion of the Honourable the Finance Member. As my Honourable friend, Mr. Kelkar, has explained, we, who belong to this Party, would not have voted against the Finance Bill but for the amendment which has been moved.

There has been, Sir, a great deal of talk about responsibility, and different conceptions of responsibility are entertained by different speakers. My Honourable friend, Sir Hugh Cocke, seems to imagine that responsibility consists in not embarrassing Government. My Honourable friend, Mr. Fazal Ibrahim Rahimtulla, took to task my Honourable friend, Mr. Jayakar, and told him that, if Mr. Jayakar had been consistent, and responsible, he should have voted with Government when the two cuts that Mr. Jayakar referred to in his speech came up.

He also said that Mr. Jayakar's speech came to him as a surprise. That may be, but I can assure the House that the speech of Mr. Fazal Ibrahim Rahimtulla did not come to me as a surprise at all.

Sir, I do not propose to weary the House at this late hour with a long speech. I do not wish to speak on the questions of the Army or on what has come to be known as the constitutional issue. We have passed the cuts relating to them and the House has left no manner of doubt as to what it thinks about the military administration of Government and the question of self-government. I wish to speak only for a few brief moments and I desire to say that the recommendation which has been made to us by the Governor General is not an isolated fact. My submission is that we observe signs of a policy of consistently ignoring the views and wishes, not only of this House, but of the country at large and I shall give you one or two instances to substantiate my point.

It will be in the recollection of the House that the other day a number of questions were put to the Honourable the Home Member as to what attitude Government would adopt towards the recent book, "Slaves of God" which has been written by Miss Mayo. I say, Sir, in all seriousness, that any Government which had the slightest regard for the feelings of this House, or of this country, would not have given the answers which the Honourable the Home Member gave on that occasion. He said that he could not commit himself. Could he not say even this much that, if the book was as offensive as "Mother India", Government would certainly take some steps. Supplementary question after question was put, but nothing would move the Honourable the Home Member.

I say, Sir, and I weigh my words—I may not be responsible, according to Sir Hugh Cocke or Mr. Fazal Ibrahim Rahimtulla, but I do claim that I always try to avoid what I consider to be irresponsible talk—that the answers showed that Government had no solicitude for the goodwill, either of this House or of this country.

Take another instance. As the House is perfectly aware, a very great deal of keen interest has been taken in the question of Indian delegations to the League of Nations being headed by Indians. There was a debate a few days ago in the other place, and what we find is that the representative of Government got up there and said, "Yes, this year Government will send a list of the Indian Members and will tell the authorities in England whom they would like to be the leader." They could not rest content with this statement because they perhaps imagined that it would be a sign of weakness, so they told us, "Don't make a mistake about it. We are

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perfectly firm, and if you think we are going to yield to popular clamour, you are very much mistaken. It must be perfectly understood that, in subsequent years, Government retain and will exercise full discretion to entrust the leadership as seems to them most appropriate, to an Indian representative from British India, or to an Englishman, or possibly to a Ruling Prince, though this last alternative would raise questions of a different nature which would require careful consideration".

I submit that this attitude betrays an utter lack of solicitude for the goodwill either of this House or the other. When a complaint was made that Indians were not elected to important committees, what was the answer? Not a word of regret. The representative of Government said that he most emphatically repudiated the insinuation. He said that Indians had been elected to important committees, but he said he wanted time to inquire into the question, and the best thing would be for the Mover to give notice of it. Has the Government had no notice of these grievances of long standing?

Then, we find that, without any reference either to this House or to the other Government makes up its mind to pay the expenses of the Butler committee. The amount may be large or small, with that we are not concerned at the present moment. My point is that this action gives you an insight into the mind of Government. It gives you an indication of their attitude towards this House as well as to the other.

Take yet another case. There were some questions put the other day to my Honourable friend Sir Denys Bray about the transfer of Aden. Sir Denys Bray, with his usual eloquence and skill, avoided making any satisfying statement. He simply told us, "Oh, well there is some difference between different Adens and I will look into the matter". When it was brought to his notice that in 1922—I hope I am not wrong, it was in 1921 or 1922—an undertaking was given on behalf of Government that the transfer would not take place before the matter had been considered by the two Houses, he said

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhamadan): It was in 1922.

Munshi Iswar Saran: My Honourable friend says it was in 1922. The transfer has taken place. I say again you find Government ignoring this as well as the other House. Indeed, I charge Government with not having observed the undertaking that was given by their representative in the other House. Sir, so, I was not much surprised when this recommendation came. If you take the trouble of seriously considering the present situation in India, you find on the part of Government an utter lack of appreciation of the forces that have been brought into being in this country. You observe, I say deliberately, the reluctance of Government to look at these problems from the Indian point of view.

May I give you another case? There is the Bill of my Honourable friend, Mr. Haji. Everybody is up in arms against it. Even my Honourable friend, Sir George Rainy, sometimes very gently has a fling at it. I shall assume, for the purposes of argument, that Mr. Haji's Bill is a rotten Bill, it is a useless Bill and what is more, it is a mischievous Bill. The question I put to Government is this. You will admit that India has a legitimate cause for grievance. You will admit that the Indian coastal

trade requires encouragement. If you reject Mr. Haji's Bill, have you any other remedy to suggest? No one, not even some of the responsible supporters of Government will have the hardihood to suggest that there is no evil to be remedied. I ask Sir, what remedy has Government to offer for the admitted evil? It is all very well to attack measures introduced by non-official Members. They may be wrong, I shall assume for the purposes of argument that they are utterly wrong and utterly undesirable. I ask Government, in all sincerity, to tell us their plans. I say to Government, while opposing Mr. Haji's Bill, you should say what you are going to do yourselves. Why don't you say, "This measure is all nonsense, we shall give something in the alternative which will be much better than what you propose"? Why don't you say, "Here is a measure which will give you exactly what you want without bringing in its train the evils of your Bill"? I ask, Sir, is Government devoid of all initiative?

Before bringing my remarks to a close, I shall say only a few words more. To me the bureaucracy appears to be a sit-tight club, they are in power and they wish to sit tight. Their attitude seems to be this: "Do whatever you like; we will not move; you may talk, you may pass Resolutions; all this does not worry us at all". Let me tell them that they are making the biggest mistake of their lives. They will be judged by the statesmanship which they display at this difficult moment in the history of India. It is all very well for them to imagine that there is not much force behind the movement for independence. I do not wish, at the present moment, to discuss that difficult question, but I do wish to say that you may be able to crush the movement for freedom today, you may be able to crush it tomorrow, but you may not be able to crush it for long. This is the hard fact which you ought to bear in mind, do not forget the lessons of history. Let me tell you that, if this state of affairs continues even for a short time more, there will not be a platform left for those who advocate Dominion status. The advocates of independence will sweep the board clean. It is for Government to use statesmanship at this juncture, but if they do not, history will certainly record that, at a most critical moment, they were tried and found wanting.

Sir, what I imagine is that they will move when it will be too late. I ask them, in all seriousness, to move when it is not too late. If you take up the history of India, "too late" should be written on the top of every page of that book. If the reforms, I mean the Montagu-Chelmsford Reforms, had come 25 years before their actual introduction, they would have had a very different reception and the feeling would have been different. The whole atmosphere would have changed. The Reforms came too late. So, if they move at all, as they are bound to, because the world forces will not allow them to remain stationary, let them see that they do so before it becomes too late. If they will listen to me and others like me, I assure them they will do well by England itself. If they do not show imagination, if they go on in this blundering and oscillating manner, I am afraid there is trouble ahead for them as well as for ourselves.

Mr. Gaya Prasad Singh: Sir, at this stage, when the Finance Bill is at its third reading, I should like to offer a few observations on a topic that arises directly out of the Finance Bill. It is the subject of income-tax law and its administration. Schedule II of the Finance Bill fixes certain rates on incomes. I should like to ask my Honourable friend the Finance Member as to how the money, which was collected last year, has been

[Mr. Gaya Prasad Singh.]

utilised. I should like to ask the Honourable Member whether he has assured himself as to how the administration of the Income-tax Act affects the large body of assesseees all over the country. I should like to ask him whether he has cared to ascertain whether the assesseees in different parts of India have got any genuine grievance or not. In this connection, I should like to say that the administration of the Income-tax Act works very harshly against the assesseees; and the Act requires to be amended on the following lines.

Section 66 is probably the only provision enabling an assessee to approach the High Court on a question of law. As I shall show below, it is so worded that the Department, if they so choose (and they have done in more cases than one) can defeat the assessee's getting a redress from the High Court. The period of limitation for making an application under (2) s. "within one month of the passing of an order under section 31 or section 32". In practice this provision has worked very harshly. No dates are fixed by the appellate officer, that is, the Assistant Commissioner of Income-tax in the majority of cases for announcing his orders, nor is there any provision in law for informing the assessee. Very often orders are passed weeks or months after the arguments, and in the absence of the assessee. The assessee cannot be expected to dance attendance at the office, which is generally far away from his usual place of residence, for weeks and weeks. Now what happens is that, when the assessee comes to know of the passing of an order under section 31 or section 32, he has to apply for a copy thereof before he can make up his mind, and he has also to arrange for Rs. 100, the amount of fee to be deposited under the law. The new procedure adopted in furnishing copies of orders to the assessee about which I shall speak later on takes a very long time. The result is that thirty days pass by, and the assessee is left without a remedy because he cannot move the High Court in time. Section 30, sub-section (2) says that the appeal to the Assistant Commissioner shall ordinarily be presented "within thirty days of receipt of the notice of demand relating to the assessment or penalty objected to", etc. Under Section 66, sub-section (3), if the Commissioner refuses to state the case, the assessee may, "within six months from the date on which he is served with notice of the refusal", move the High Court. But, by a lamentable omission, there is no such provision in Section 66 (2), and this omission practically bars the door of the assessee in approaching the High Court.

It may be suggested perhaps that, if the Commissioner refuses to state the case on the ground of limitation, the High Court can still be moved, but the obvious construction of the Act is otherwise, and it has been so held in *I. L. R. 6, Lahore*, page 373. In that case, it was held that, "a delay of over a month in presenting an application to the Commissioner under section 66 (2) of the Indian Income-tax Act, after the order had been passed which gave rise to that application, robs the Commissioner of all jurisdiction, and a reference by him to the High Court under the Section is therefore not competent".

Again, the question of deposit of a fee of Rs. 100, along with the application under section 66 (2) often works out inequitably. In my opinion the fee should never be demanded; or it may be demanded after the Commissioner passes an order accepting the contention of the assessee.

to make a reference to the High Court on a point of law, and within one month of the date of service on the assessee of the order favourable to him.

Again, the assessee should be entitled to interest on the amount wrongly kept out of his pockets, and the rate of interest should not be left to the discretion of the Commissioner, but the Court rate of interest should be allowed to every case. As the section now stands, the Commissioner can refuse to allow any interest at all, and he has done so in a number of cases in my province.

Lastly, this section does not seem clearly to provide for a case where the Assistant Commissioner in appeal has, for instance, accepted the contention of the assessee on a point of law, and reduced the assessment accordingly, but the Commissioner, on review or revision, has restored the reduction made. Now, the assessee wants a reference to the High Court on other points, and on this new point also. But the Commissioner objects to draw up a statement to the High Court on the ground that this new point does not "arise out of such order" of the Assistant Commissioner, as is mentioned in sub-section (2) of section 66. For instance, four points of law (a), (b), (c) and (d) are involved in an appeal of the assessee before an Assistant Commissioner. The Assistant Commissioner decides points (a) and (b) in favour of the assessee, and reduces the assessment accordingly; but points (c) and (d) are decided against him. Under sub-section (2) of section 66, the assessee makes an application to the Commissioner "within one month of the passing of the order under section 31", and naturally includes points (c) and (d) only in his application asking for a reference to the High Court thereon, as points (a) and (b) have already been decided in his favour by the Assistant Commissioner. In the meantime, after the expiry of one month, the Commissioner revises the order of the Assistant Commissioner under section 33 on points (a) and (b), and holds that the Assistant Commissioner is wrong in law and cancels that order to that extent, and restores the sum reduced by the Assistant Commissioner to the assessment of the assessee. The aggrieved assessee then would naturally want a reference to the High Court, or would expect the High Court to decide on points (a) and (b) also. But the Commissioner objects that points (a) and (b) do not arise out of the order of the Assistant Commissioner, but arise out of the order of the Commissioner, and therefore cannot be touched by the High Court. Strange as it may seem, the Commissioner of Income-tax, Bihar and Orissa. . . .

(Mr. K. Ahmed made a remark, which was not heard at the Reporter's table.)

My friend knows as much of income-tax law, as a horse knows of algebra. (Laughter.) As I was saying, the Commissioner of Income-tax, Bihar and Orissa, actually raised a similar objection in a case from Monghyr. The period of one month, as prescribed in sub-section (2) of section 66, is, in my opinion, too short a period, and imposes a hardship upon the assessee. It should be raised to 90 days or thereabout.

Mr. K. Ahmed: But how will this formula help you?

Mr. Gaya Prasad Singh: I am therefore of opinion, Sir, that section 66 should be amended in the light of the above suggestions, and to remove the anomalies and iniquities pointed out above, it should be like this. Within ninety days from the date on which he is served with notice of the order under section 31 or section 32, the assessee, in respect of whom the order was passed, may, by application, require the Commissioner to

[Mr. Gaya Prasad Singh.]

refer to the High Court any question of law relating to the assessment, or arising out of such order or any order modifying or reversing it, and the Commissioner shall draw up a statement of the case. Necessary consequential changes will have to be made in other parts of this section in the light of the above remarks.

Another point that arises in this connection is, that no allowance is given to the assessee as a matter of right for the time taken in obtaining certified copies of the orders complained against. It is only in the case of an appeal under section 30 that a discretion is vested with the Assistant Commissioner to admit an appeal beyond time for a "sufficient cause". On the analogy of section 12 of the Limitation Act, it should be enacted that, in computing the period of limitation prescribed for an appeal or any application whatsoever under the Act, the day on which the order complained of was pronounced or made, and the time requisite for obtaining a copy of the order complained against or appealed from or sought to be revised or referred to the High Court, shall be excluded.

A further point to which I should now refer is this, that in a great many cases, no interest is paid to the assessee for the tax wrongly realised from him by an assessment which has been modified in appeal or revision. In all fairness, it should be provided that the amount of tax so refunded shall bear interest at 6 per cent. per annum, or whatever the Court rate may be. It was probably to this point that my Honourable friend, Sir Victor Sassoon, referred only the other day in the course of the general budget discussion, when he said that:

"The Department have been using their powers to call for payment from anybody and everybody, pending the result of appeal to the High Court. When a citizen wins his case, he is entitled to his money back; but he can only get interest at the sweet pleasure of the Department."

Here I may mention that a great hardship is experienced in obtaining a stay order of the tax under assessment, which is being taken to or under appeal to the High Court. No clear provision is made in the Act empowering the appellate authority to stay the realisation of the tax, pending the disposal of the appeal.

Mr. K. Ahmed: Why don't you move an amendment? That is not the fault of the Finance Member?

Mr. Gaya Prasad Singh: The system now in vogue in my Province of Bihar and Orissa for obtaining certified copies of orders of the Income-tax Department is needlessly oppressive and cumbersome, and involves great delay. When an application is made, the office assesses the amount payable; then a *chalan* is prepared and handed over to the assessee, and then the amount is deposited in the Imperial Bank; and when all that is done, the office then proceeds to prepare the copy which is handed over after great delay and difficulty. The litigants prefer the old system of supplying folios and stamps to the office, as is done in civil and criminal Courts; and this practice should be followed in the income-tax office as well. Again, the assessee used to be provided, free of cost, with a copy of the assessment, appellate and revisional orders. This practice is stopped now except in the case of assessment orders. The old system should be revived.

Too much stress cannot be laid on the most inequitable working of section 23 (4). It is bad enough that the assessment in such cases is

made to "the best of the judgment" of the income-tax officer, but to deprive the assessee of the right of appeal in such cases is most unjust.

Mr. K. Ahmed: Is that a copy of the argument which was made in the High Court?

Mr. Gaya Prasad Singh: The assessee should not be put in a worse position than one against whom an *ex parte* decree has been passed in a civil court. He should be allowed to show that on the materials, as found and stated by the income-tax officer, the order is erroneous and bad, and this appellate power should be given to the Assistant Commissioner, thus relieving the Commissioner of needless work. The right of appeal should be provided in all cases, and not fettered by the proviso in section 30, sub-section (1), or similar limitations.

There is only one point more, Sir, on which I should like to make a brief statement.

Honourable Members: Yes, go on.

Mr. President: Go on.

Mr. Gaya Prasad Singh: I now come to a somewhat astounding legal proposition propounded by the late Finance Member. On the 31st August, 1927, I asked a question in this House urging the desirability of removing the Office of the Income-tax Commissioner of Bihar and Orissa from Ranchi to Patna, which is the capital of the Province, and where legal aid is readily available. In the course of his reply, Sir Basil Blackett said as follows:

"Persons who have presented review petitions to the Commissioner, have, as a matter of fact, no legal right to be heard in person or by pleader."

This reply of Sir Basil Blackett caused somewhat of a surprise in my Province, and it was discussed in the course of a letter which was signed by two well-known counsel of Patna, Mr. K. P. Jayaswal and Mr. Manohar Lal, who have made a special study of the income-tax law. This letter was published in the *Searchlight* of 22nd July, 1928, and I cannot do better than reproduce a part of this letter:

"The view of the Government expressed therein that 'persons who have presented review petitions to the Commissioner have as a matter of fact no legal right to be heard in person or by pleader' is not only terribly inequitable, but also against the letter of the law. The proviso to section 33 which deals with the power of 'review' (i.e., revision) by the Commissioner, is clear that no order prejudicial to an assessee should be passed by the Commissioner without hearing the assessee. The actual words of the proviso are 'provided that he (the Commissioner) shall not pass any order prejudicial to the assessee without hearing him or giving him a reasonable opportunity of being heard.' It should be noted that the above passage stands as a proviso to the whole section 33. If the assessee is not granted the complete relief claimed by him in his 'review' application, the order passed is obviously prejudicial to him; while if an order is passed allowing the whole claim of the assessee, in that case (and in that case alone) it can undoubtedly be said that such an order is not an order 'prejudicial to an assessee'. It follows that under section 33, no order can be passed without hearing the assessee where an order is to grant an allowance short of the complete claim of the assessee. In other words, the Commissioner cannot dismiss an application under this section summarily, nor can he pass an order which is only partially favourable to the assessee, without hearing him.

To a layman it would appear that it must be a strange departure from the accepted principles of jurisprudence and elementary rules of common justice and fairness that the income-tax administration denies a person the right of being heard to explain his grievances, while the consequences entailed by statute are so grave as to result in the passing of an order where further relief is entirely barred."

[Mr. Gaya Prasad Singh.]

Sir, even in criminal cases, accused are given the right of being heard either in person, or by pleader at every stage of the proceedings; then why this exceptional procedure in income-tax cases?

Sir, these are some of the points to which I have briefly referred; and I hope my Honourable friend, the Finance Member, as well as my Honourable friend the Law Member will take early steps to bring about a reformation of the Income-tax Act on the lines suggested by me, so as to put it on an equitable footing, and remove the grievances of the assessee.

Several Honourable Members: The question may be now put.

Mr. President: I take it no Honourable Member desires to speak now?

The Honourable Sir George Schuster: Sir, I rise to reply at the end of what appears, on recollection, to have been a very long period of discussion, in which almost every subject that can be connected with finance has been discussed again and again. Therefore, Sir, I do not think it is necessary for me to weary this House with anything in the nature of a long speech. It was not open to me, Sir, to reply on the amendment which I moved, and there are one or two things in connection with the arguments which came from my Honourable friends on the opposite side to which I should like to make some reference. It was argued on the other side that the sum which we were seeking to restore to the revenues of the Government, by moving the amendment which I moved earlier this afternoon, was of such small dimensions that it did not justify the action which we were taking. I think, Sir, that certain misleading things have been said about that particular sum. It is quite true that I gave to this House an estimate of Rs. 65 lakhs, that might be the actual loss for this year. That was a very optimistic estimate; it is quite likely that it might have been much larger. The sum which I really have to consider is the full sum of Rs. 140 lakhs which that reduction makes in our permanent revenue. Now, Sir, it will be within the recollection of Honourable Members that, in presenting the budget, when this debate originally opened, I was unable to present a very cheerful picture of the next year's financial prospects. I argued that the picture was not quite so gloomy as the figures themselves might make it appear. But it was quite obvious that we were in a tight position. It was argued against me on the other side, that the position was much worse than I had represented, and I remember well my Honourable friend, Mr. Shanmukham Chetty, arguing that, in fact, there was a deficit, not of Rs. 90 lakhs, but of Rs. 140 lakhs, because we were making no adequate provision for redeeming the liability on the Post Office Cash Certificates. I think that picture is too pessimistic; but still, Sir, if you add a possible deficit of, let us say, 90 to 140 lakhs, to the loss of 140 lakhs on this cut on salt tax, it discloses a situation which might cause very serious difficulty. In those circumstances, Sir, I think it is fair to say that the Government could not afford to face any additional risks. I am not at all pessimistic as to the future; I hope that in the course of next year it may be possible so to adjust the expenditure and to see an improvement in trade which will bring about an improvement in general revenue, that we may have, in the following year, some margin to deal with. But it would be impossible for me to take any action which treated such a

fortunate eventuality as a certainty now. It might well have been that, if we had lost part of the salt tax revenue, we might have got into a very desperate position indeed.

Sir, the other general line of argument, to which we have listened, is that, by taking the action which we took, we were denying to the Opposition any chance of feeling a real sense of responsibility. I think, Sir, it must be admitted on all sides that the present stage of Government and of the constitution is a very difficult stage. We here on our side are responsible for carrying on the business of the country; and we cannot put that responsibility on other shoulders. We are all of us anxious to get such advantage as we can from Honourable Members on the other side, and, where we consider it consistent with the public interests, to give effect to their views. But my Honourable friend, Mr. Srinivasa Iyengar, has told us that we are not to expect help from the other side, that they are out to oppose the Government and to make things difficult for us; and in that state, Sir, it is very difficult for us to share responsibility with the other side. Moreover, however much we wish to put responsibility on the other side, we are at present confronted with this limitation, that, whatever arguments are advanced from that side in the present stage of the constitution, there is no chance of Honourable Members opposite being called upon to come over here and make good their policy. ("Hear, hear.")

Mr. Lalchand Navalrai: But when is the better constitution coming?

The Honourable Sir George Schuster: At any rate let us face the facts as they are.

Mr. S. Srinivasa Iyengar: Do not make too many promises.

The Honourable Sir George Schuster: That is the position today, and as I argued in an earlier speech in the course of this debate on the budget, it is our duty here to carry on the Government as best as we can under the present constitution; and in taking the action which we have done, in adopting an unusual course in dealing with the amendment and cut on the salt duty, we have done no more than that. Sir, I do not think that the Government could have taken a more straightforward and honest course than the course which they have taken. It was taken only after very careful consideration and I feel confident,—and we all of us feel confident,—that in taking that course the Government was acting in the best interests of the country.

Sir, I have very little more to say. We are closing a long series of discussions on these subjects. I might perhaps be allowed to end, as indeed I began, on something like a personal note. I have been taunted by my Honourable friend Mr. Rangaswami Iyengar with the number of promises which I have made, and he said it would take 10 years at least for me to make good those promises. Sir, I think if my Honourable friend will look through my speeches, he will find that I have committed myself to one promise, and that was that I would do my best to serve the interests of India while I hold this office. I did not claim, and I do not expect, to be able to achieve much, but I believe that, by following suggestions from the other side when I get them, and by paying attention to the actual administration of the country, it will be possible, at least, to carry

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on the business of the country until we find that the time has come for some other form of Government. Sir, I move that the Bill be passed.

Mr. President: The question is:

"That the Indian Finance Bill, as recommended, be passed."

The Assembly divided:

AYES—50.

Abdul Aziz, Khan Bahadur Mian.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyed.
Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.

Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. O.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

NOES—39.

Acharya, Mr. M. K.
Ayyangar, Mr. K. V. Rangaswami.
Chaman Lall, Diwan.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.

Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. O.
Ranga Iyer, Mr. C. S.
Roy, Mr. B. C.
Sarfaraz Hussain Khan, Khan
Bahadur.
Singh, Kumar Ranajaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar Prasad.
Yusuf Inam, Mr.

The motion was adopted.

THE PUBLIC SAFETY BILL.

Mr. President: Honourable Members would perhaps like to take up the Public Safety Bill now. Sir Brojendra Mitter.

The Honourable Sir Brojendra Mitter (Law Member): I am entirely in the hands of the House. (*An Honourable Member:* "We do not want it now.") I regret to say that the Honourable the Home Member, on account of an attack of fever, is unable to be present to move this motion. He has requested me to express his apologies to you and to take up this duty.

Mr. President: And also to the House.

The Honourable Sir Brojendra Mitter: Yes, and also to the House and to take up this duty on his behalf. I move that the Bill to check the dissemination in British India from other countries of certain forms of propaganda, as reported by the Select Committee, be taken into consideration.

Honourable Members, I take it, have read the report of the Select Committee. I need not take up the time of the House at any great length at this late hour, but I may generally mention that two important changes have been made by the Select Committee in deference to the criticisms and suggestions made in the House when this Bill was last discussed.

The changes are of this nature. It was suspected, or at any rate, expression was given to the suspicion, that the real object of the Bill was to hit the political and labour movements in this country. In order to meet that criticism, a change has been made in section 2 to the effect that what are intended to be hit are activities which advocate the employment of force or violence. That immediately takes all legitimate movements outside the category of this Bill. The next important change, which has been effected in deference to criticism, is about the information to be given to the persons who are to be dealt with under this measure. It was said that it was unfair and iniquitous that the man who was to be proceeded against under the Act should not know the details of the case against him. Honourable Members know that this is not a punitive measure at all; it is a preventive measure, and all that the Bill aims at is to exclude British communists from this country. That is the object of the Bill. It was said that, when action was proposed to be taken against any person under this measure he ought to know why action was being taken against him, and he should be given details and particulars of the case. In view of that criticism a change has been made in section 7.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): I am loath to interrupt the Honourable Member. Did I understand him to say that the object of the Bill is to turn out British communists from India?

The Honourable Sir Brojendra Mitter: British communists who advocate the employment of force or violence. In view of the criticism which I have just mentioned, a change was effected by the Select Committee that, along with the removal order, the person to be proceeded against should be furnished with such details or particulars, if any, as the Bench, with the consent of the Governor General in Council, may include therein. Full details cannot obviously be given to these persons, because very often, as Honourable Members will appreciate, there may be documents in the nature of secret documents, the disclosure of which would be against public interests and would defeat the very object for which this measure is being enacted. Therefore, power has been given to the Bench to furnish such

[Sir Brojendra Mitter.]

details and particulars as may safely be given. So that, in these two respects, that is to say, in limiting the operation of the Bill to persons who directly or indirectly advocate the employment of force or violence and authorising the Bench to give the persons to be proceeded against such facts and particulars of the case as may safely be given to them this Bill has been considerably improved. I feel that the whole of the criticism which the Leader of the Opposition levelled against the Bill, that it was aimed against legitimate political movements like the Congress, has been met because we are limiting the Bill to the advocacy of violence. As most of these political and labour organisations are committed to non-violence, they go outside the category of the Bill

Mr. President: The Bill as introduced was aimed against the Congress?

The Honourable Sir Brojendra Mitter: No; it was suspected that it might include the Congress because the words "force or violence" were not mentioned in every section. But now these words have been inserted in every relevant section, so that there is no longer any room for suspicion. That is all I say on that point

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadian Urban): What about non-violent communists?

The Honourable Sir Brojendra Mitter: Non-violent communists will be here. They will get a safe home in India so long as they continue to be non-violent.

I need not detain the House by referring to the other slight changes here and there. Most of the changes are in the nature of drafting changes, but the two important changes I have mentioned already. Sir, I move.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadian Urban): Sir, having regard to the circumstances under which the Bill comes before this House now, I think I am voicing the sentiment of a large section of this side of the House when I say that Government would be well advised in postponing the consideration of this Bill. The reasons on which I base this view are the following. The first reason, Sir, is this. The events which occurred last week prove, that the ordinary law has been found to be quite sufficient for the purpose of bringing to justice all those, who, according to the Government's statement before this House a few days ago, are concerned in communist activities of a violent character, and in subverting His Majesty's rule in this country. This one thing has been made perfectly clear, which was not clear before in the last Simla session, or when the Bill was before this House some time ago in this session, we now know clearly that the ordinary law of the land, under the Indian Penal Code, is quite sufficient for the purpose of reaching the mischief created by the infusion of communistic ideas. Therefore I think there is no particular urgency in passing this Bill in this session. The second, and perhaps a stronger reason, is that, in the course of the debate on this Bill, which is bound to be long and bitter, if not acrimonious, many statements are likely to be made on both sides of the House which may be regarded as affecting matters which are *sub judice*. Sir, without going into the merits of the disallowance of the adjournment motion, by the Governor General, I can say that the principle behind the disallowance was that, whether we willed it or not, we would be tending to refer to many matters which might affect prejudicially the merits of the trial which will take

place in the course of the next few months. On that ground, Sir, the head of the administration thought it fit to disallow the adjournment motion. On exactly the same ground, Sir, I submit, that however much we may try, this side or the other side is bound to go, while discussing the merits of the provisions of this Bill, into many matters which may reflect upon questions which are now *sub judice* and which will remain *sub judice* for many months yet. For instance, the spread of the communistic movement, its connection with the political movement of this country, the extent to which foreign money comes into this country, the necessity of all those provisions in the present Bill which give power to the Government to impound money in the banks, the provisions, which I personally regard as drastic, for procuring information at the hands of the Secretary of the Bank and all similar questions, I say that the discussion of these matters, if it is to be free and full—and I suppose it is the wish of the Government that it should be full and free—is bound to draw into the debate many questions which, speaking as a lawyer and as a public man, it will be best to avoid in the circumstances of the country at present. We are all anxious, as I think, the Government are anxious, that nothing should be said or done in this House which is likely prejudicially to affect the impartiality or fairness of the inquiry which is going to take place.

I do not wish here to go into the merits of the policy which has brought into trouble so many young men. That is not my present purpose, nor is this the occasion for referring to that aspect of the question. My present point is very narrow, that both on the ground of expediency and on other ground, namely, that there is no particular urgency for passing this measure in this session, it will be wise to postpone this Bill till the Simla session, when it can be considered in a calmer atmosphere. Even from the Government point of view, this course is advisable, for a great many things will come to light in the course of the next trial which may support their view of things. The Government's contention is that, at the present moment, there is a widespread conspiracy in this country, that there are communistic ideas, the infusion of which is more widespread than Members on this side suspect. If the next trial proves by the evidence coming to light that, as the Government believe, there is a large spread of communistic ideas in this country, a few on this side may gladly support their measure. The Government have procured for the prosecution the best legal talent available in this country, and they ought to be content. Who knows what the public may not have to learn, in the course of the next two months' trial. It may bring to light a large number of unimpeachable facts which may support the Government point of view. Things may come to light which may indicate that the communist conspiracy in this country is of a far deeper character, its tentacles are spread much wider than the public imagine at present. I believe that it is not unlikely, on the contrary very probable, that, in the course of this trial, which I am sure will be very thorough, a large amount of information will be available to the public as regards the extent of the communistic mischief in this country, the depths of this alleged conspiracy, the connection between the political and youth movement in India and the Bolshevist movement outside. All these, I submit, will go to the very root of the implications of this Bill and it may be that a few in this House, who are holding their minds free from any political bias against the Bill, will be furnished with better material for enabling them to come to a decision for or against the Bill

[Mr. M. R. Jayakar.]

in the Simla session. If the Government are at all disposed to consider the criticisms of this side—though from this morning's incidents I think that they are not so disposed—then I do assert even at this late hour on a hardworked day, that the Government will show greater wisdom in postponing the consideration of this Bill to the Simla session, when the matter can be considered in a calmer atmosphere, and with fuller facts before us.

Mr. President: I understand the Honourable Member has merely made a suggestion to the Government. I have got in my hands a notice of a motion for adjournment from Mr. Jogiah—that the consideration of the Bill be postponed pending the disposal of the case against the 31 persons filed before the Meerut magistrate under section 121A. I propose to call upon Mr. Jogiah, if the Government are not prepared to accept the suggestion made by the Honourable Member from Bombay.

The Honourable Sir Brojendra Mitter: The Government are not prepared to accept the suggestion that the consideration of the Bill be postponed, and in due course I shall state the reasons why Government have come to that decision.

Mr. President: In that case, I propose to adjourn at this stage.

Mr. S. Srinivasa Iyengar: May we have some of the documents upon which this Bill before us is based? It is impossible for us to see some of the documents.

Mr. President: You can go to the Law Member.

The Honourable Sir Brojendra Mitter: I shall state the reasons here in this House.

Mr. President: Does the Honourable Member wish to state them in his reply?

The Honourable Sir Brojendra Mitter: What I said was this. Government are not inclined to accept the suggestion that the consideration of the Bill be postponed and I shall state my reasons.

Mr. President: That is not the question raised by the Honourable Member.

The Honourable Sir Brojendra Mitter: I do not quite appreciate my Honourable friend's point.

Mr. S. Srinivasa Iyengar: It was said, and very properly said, that a disclosure of documents may be against public interests. I should like to see the documents upon which this Bill, as I understand it, is based. I should like copies of those documents circulated to Members, so that we may be in a position to make up our minds.

The Honourable Sir Brojendra Mitter: I am afraid I have not quite appreciated the nature of the documents which the Honourable Member is referring to.

Mr. S. Srinivasa Iyengar: Documents in the Meerut case.

The Honourable Sir Brojendra Mitter: We have nothing whatsoever to do with the documents in the Meerut case.

Mr. President: I think we will leave matters there at present.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 2nd April, 1929.

LEGISLATIVE ASSEMBLY.

Tuesday, 2nd April, 1929.

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

MEMBER SWORN:

Mr. Wilfred Thomas Mermoud Wright, C.I.E., M.L.A. (Legislative Department: Nominated Official).

QUESTIONS AND ANSWERS.

PAY AND DUTIES OF TOWN INSPECTORS OF POST-OFFICES.

1334. *Maulvi Muhammad Yakub: (a) Will Government be pleased to state if the Town Inspectors in first class head offices have the same duties and pay, *viz.*, Rs. 160—250 as those of the Sub-Divisional Inspectors with effect from 1st September, 1927? If so, what is the total number of such appointments in each Postal Circle?

(b) Is it a fact that there were a number of officials in various Circles on 1st September, 1927, who had passed the Inspectors' examination and were on the waiting list for that post for more than five years? If so, what was the total number of such officials in each Postal Circle?

(c) Is it a fact that, among the unpassed Town Inspectors existing on 1st September, 1927, none was eligible for promotion to the Inspectors' posts?

(d) Is it a fact that, on 1st September, 1927, promotions to the Sub-Divisional Inspectors' and equivalent posts were dependent on passing the departmental examination? If so, does this condition still hold good?

(e) Is it a fact that, in some of the Postal Circles, all these posts of Town Inspectors were given to the passed hands who were on the waiting list, but in others the claims of such officials were overlooked, notwithstanding their superiority over unpassed men as accepted? *Vide* Director-General, Posts and Telegraphs letter No. E.A.-279/28, dated 11th February, 1928, as below:

"A clerk who had passed the departmental examination for promotion to the grade of Sub-Divisional Inspectors and Head Clerks to the Divisional Superintendents must be held to possess qualifications superior to those of an unpassed man, and should be given preference to the latter."

(f) Is it a fact that the unpassed Town Inspectors appointed to the new grade of Rs. 160—250 were given this promotion on the distinct condition that they would only be confirmed on passing the departmental examination? If so, is it a fact that now the Department is going to exempt them altogether from passing the examination, and if so, what is the justification?

The Honourable Sir Bhupendra Nath Mitra: (a) The pay of Town Inspectors of first class head offices and of Sub-Divisional Inspectors is the same. As regards duties, when Government orders were issued, revising the pay of Town Inspectors attached to first class head offices, it was prescribed that they should be required to perform all the duties laid down for Inspectors of Post Offices. A list showing the total number of such appointments in each postal circle will be supplied to the Honourable Member.

(b) The information is being collected and will be supplied to the Honourable Member.

(c) Yes.

(d) Yes.

(e) Yes, in this connection the Honourable Member's attention is invited to the reply given in this House by the Honourable Mr. A. C. McWatters to Mr. Siddheswar Sinha's starred questions Nos. 777, 778 and 779 on September the 21st, 1928.

(f) The facts are as stated by the Honourable Member; the reason for exempting the men from passing the examination will be found in Government letter No. 14-P. T. E., dated the 2nd October, 1928, a copy of which was laid on the table of the House in reply to Khan Bahadur Sarfaraz Hussain Khan's unstarred questions Nos. 98 and 133 on 28th January, 1929, to which the Honourable Member's attention is invited.

PAY OF UNPASSED TOWN INSPECTORS OF POST OFFICES.

1335. ***Maulvi Muhammad Yakub:** Is it a fact, when the post of a sub-postmaster in the clerical time-scale is raised to the Rs. 160—250 grade, the existing incumbent is made to vacate the office in favour of an official due for promotion to the Rs. 160—250 grade? If so, why has this principle not been applied to the similar case of the old unpassed Town Inspectors who have been retained in the post in the Rs. 160—250 grade, or are now going to be brought back to the post, after having once been completely removed from it?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative. The reasons for showing special consideration to the old unpassed Town Inspectors are contained in Government letter No. 14-P. T. E., dated the 2nd October, 1928, to which the Honourable Member's attention has just been drawn in my reply to his starred question No. 1334 of today's date.

PROMOTION OF CERTAIN TOWN INSPECTORS OF POST OFFICES.

1336. ***Maulvi Muhammad Yakub:** Is it a fact that a number of passed men in different Circles still remain unprovided for in the Rs. 160—250 grade, although they have been years and years on the waiting list, and if

so, how do Government propose now to provide for them in the Town Inspectors' grade of Rs. 160—250 and thereby remove their long standing grievances?

The Honourable Sir Bhupendra Nath Mitra: It is a fact that a number of men who have passed the departmental examination for promotion to the posts of Sub-Divisional Inspectors or Superintendents' Head Clerks are still waiting for such appointments, but they will receive appointments as vacancies occur in the posts for promotion to which they were examined. The position regarding the filling of Town Inspectors' posts has already been explained in reply to the Honourable Member's earlier questions, and Government do not propose to take the action suggested.

APPOINTMENT OF BABU B. G. KUNDU AS SUPERINTENDENT OF POST OFFICES.

1337. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that at pages 21, 33, 53, 162 and 186 of the Director General's Blue List corrected up to 15th November, 1928, the name of one, Babu B. G. Kundu, appears as a Superintendent of Post Offices? Is this the same official about whose appointment I put questions in the last two sittings of the Assembly? If so, will Government be pleased to state how this official came to be a Superintendent of Post Offices?

(b) Has he passed the examination for Superintendents of Post Offices?

(c) What is the meaning of the word "provisional" shown against his name in the list?

(d) Is not his appointment as a Superintendent of Post Offices prejudicial to the interests of as many as 39 officials who have already passed the Superintendents' Examination (*Vide* pages 35—38 of the Director General's Blue List) and have long been on the waiting list?

Mr. P. G. Rogers: With the permission of the Honourable Member, I will reply to the question as a whole. Rai Sahib B. G. Kundu, about whom the Honourable Member put questions in the previous two sessions of the Assembly, is the same person whose name appears in the pages of the Blue List referred to. He has been appointed Superintendent of Post Offices in the vacancy caused by the suspension of the lien of a Superintendent who is on deputation outside India. As these arrangements are liable to be reversed on the return of the permanent incumbent, his appointment is shown as provisional for the present. In reply to the Honourable Member's starred question No. 148, dated the 6th February, 1928, the facts about the case of Rai Sahib B. G. Kundu were fully explained, and, as he is an official of unquestioned ability and efficiency, he has been exempted from passing the Departmental test as a very special case. In the ordinary course he would have been a Superintendent before the date he was actually appointed as such. Government do not therefore, think that the interests of the existing passed departmental officials have been prejudiced in any way.

GOVERNMENT ORDERS REGARDING THE APPOINTMENT OF MUHAMMADANS TO THE POST OFFICE.

1338. ***Mr. Anwar-ul-Azim:** Is it a fact that, under Government orders, one-third of the appointments in the Post Office should go to Muhammadans? Is it meant that, in vacancies, two should go invariably to

Hindus and one to a Muhammadan, irrespective of merit or seniority, and even if sufficient suitable candidates of the latter community are available? If not, do Government propose to be more explicit in their orders in this connection to the subordinate officials?

The Honourable Sir Bhupendra Nath Mitra: No such order as that mentioned by the Honourable Member in the first sentence of his question has been issued by Government. The remainder of the question accordingly does not arise.

LENGTH OF SERVICE OF MR. GUPTA AS DEPUTY POSTMASTER-GENERAL, DACCA.

1339. *Mr. Anwar-ul-Azim: How long has Mr. Gupta been Deputy Postmaster-General at Dacca? Will Government be pleased to state how many people from Dacca have been appointed by him to positions carrying a salary of 25—300 rupees per month? What is his area of jurisdiction? Is there any objection to appointing one or two Assistant Postmasters-General and Deputy Postmaster-General from among the Moslems and Christians in Bengal?

Mr. P. G. Rogers: Mr. Gupta has been Deputy Postmaster-General, Dacca, since the 9th April, 1926. No appointments have been made by him. His jurisdiction extends over two Revenue Divisions, *viz.*, Dacca and Chittagong, covering seven postal divisions. The postings of Superintendents of Post Offices as Assistant Postmasters-General, as already pointed out to the Honourable Member in reply to part (b) of his starred question No. 617, dated the 19th February, 1929, are made to meet administrative requirements and not on communal considerations. The posts of Deputy Postmasters-General are filled by the promotion of suitable officers from the rank of Superintendents of Post Offices and no communal considerations arise.

SUSPENSION OF MR. SHAMSUL GHANI KHAN, HEAD MASTER, NORMAL SCHOOL, AJMER.

1340. *Mr. Anwar-ul-Azim: (a) Is it a fact that Mr. Shamsul Ghani Khan, Head Master, Normal School, Ajmer, has been under suspension since 7th February, 1929? If it is a fact, will Government be pleased to state what was the charge against him?

(b) Has a charge sheet been sent to Mr. Shamsul Ghani Khan and his explanation taken? If so, will Government be pleased to put the charge sheet and the explanation on the table?

(c) Is the Superintendent of Education a competent authority to suspend Mr. Shamsul Ghani Khan without the previous consent of the Local Government?

(d) Has the Superintendent of Education made any report on Mr. Shamsul Ghani Khan's suspension to the Local Government, and if so, is it accompanied by Mr. Shamsul Ghani Khan's explanation?

(e) Has any subsistence allowance been granted to Mr. Shamsul Ghani Khan during his suspension, and is he entitled to such subsistence allowance under the rules?

Mr. G. S. Bajpai: Inquiries have been made and the result will be communicated to the Honourable Member.

INCREASE OF TEACHERS IN THE GOVERNMENT HIGH SCHOOL, AJMER, AND DECREASE IN NUMBER OF TEACHERS AT THE MOINIA ISLAMIA HIGH SCHOOL, AJMER.

1341. *Haji Chaudhury Mohammad Ismail Khan: Is it a fact that, as the result of appointments made since April, 1927, there are two more trained teachers actually on duty in the Government High School, Ajmer, at present, than in April, 1927, while as the result of appointments made since April, 1927, there are two trained teachers actually on duty in the Moinia Islamia High School, Ajmer, against 5 trained teachers in April, 1927? If so, will Government be pleased to state the circumstances justifying the increase of trained teachers in the Government High School and their decrease in the Moinia Islamia High School, Ajmer?

Mr. G. S. Bajpai: With your permission, Sir, I shall deal with questions Nos. 1341 to 1349 together. The information asked for is being collected, and will be supplied to the Honourable Member in due course.

APPOINTMENT OF TEACHERS TO THE GOVERNMENT HIGH SCHOOL, AJMER.

†1342. *Haji Chaudhury Mohammad Ismail Khan: Is it a fact that several teachers appointed on probation or to officiate in the Government High School, Ajmer, were confirmed in the said appointments from time to time, since April, 1927, while no teacher, appointed on probation or to officiate in a clear vacancy in the Moinia Islamia High School, Ajmer, since or before April, 1927, has been confirmed in his appointment at any time since April, 1927? If so, will Government be pleased to state the circumstances which necessitated it?

PAY OF TEACHERS AT THE MOINIA ISLAMIA HIGH SCHOOL, AJMER.

†1343. *Haji Chaudhury Mohammad Ismail Khan: Is it a fact that, in place of making appointments to certain vacancies in the Moinia Islamia High School, Ajmer, in the grades sanctioned for the posts concerned, temporary appointments have been made at salaries lower than those sanctioned for the vacancies? If so, what is the reason, and do Government propose to take steps to appoint teachers at the sanctioned scales?

RULES FOR THE CONFIRMATION OF TEACHERS IN THE GOVERNMENT HIGH SCHOOL, AJMER.

†1344. *Haji Chaudhury Mohammad Ismail Khan: Is it a fact that, a number of teachers of the Government High School, Ajmer, were confirmed in 1927, subject to re-consideration when the Superintendent of Education next visited Ajmer? If so, will Government be pleased to state the Fundamental Rule under which this re-consideration after confirmation is allowed, and also as to what the Superintendent of Education's decision in this connection was after the proposed visit?

REVISION OF SALARIES OF TEACHERS OF THE MOINIA ISLAMIA HIGH SCHOOL, AJMER.

†1345. *Haji Chaudhury Mohammad Ismail Khan: Is it a fact that, in view of the under-payment of the staff of the Moinia Islamia High School, Ajmer, a sum of Rs. 1,000 was granted by the Government of

† For answer to this question, see answer to question No. 1341.

India for the revision of the salaries of teachers, and that the sum was provided for in the budget of 1928-29 and retained in the revised budget, but not yet utilised? If so, do Government propose to take steps for the utilisation of the sum before the end of the current financial year?

LACK OF DEPARTMENTAL INSPECTION OF THE COLLEGES AND SCHOOLS AT AJMER.

†1346. ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, there has been no departmental inspection of the Government College, Ajmer, the Government High School, Ajmer, Moinia Islamia High School, Ajmer, and the Normal School, Ajmer, since April, 1927? If so, will Government be pleased to state the rule or custom regarding the yearly number of departmental inspections of the said institutions, and the extent to which it was observed since April, 1927 in connection with the said institutions?

DEPARTMENTAL INSPECTION REPORTS OF THE GOVERNMENT NORMAL SCHOOL, AJMER.

†1347. ***Haji Chaudhury Mohammad Ismail Khan:** Will Government be pleased to lay on the table the departmental inspection reports of the Government Normal School, Ajmer, since Mr. Shamsul Ghani Khan's appointment as the Head Master of the institution?

REPRESENTATION AGAINST HIS SUSPENSION BY MR. SHAMSUL GHANI KHAN, HEAD MASTER, GOVERNMENT NORMAL SCHOOL, AJMER.

†1348. ***Haji Chaudhury Mohammad Ismail Khan:** Has Mr. Shamsul Ghani Khan submitted a representation to the Local Government against his suspension? If so, will Government be pleased to state the date on which the Superintendent of Education received it and the date on which he forwarded it to the Local Government?

GRADE OF PAY OF MR. SHAMSUL GHANI KHAN, HEAD MASTER, GOVERNMENT NORMAL SCHOOL, AJMER.

†1349. ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, the Government Normal School, Ajmer, was, an institution for the training of vernacular teachers only, with 28 vernacular students under training, on the appointment of Mr. Shamsul Ghani Khan as Headmaster of that institution, in April, 1926, while it was an institution for the training of Anglo-vernacular teachers, as well as vernacular teachers, after his appointment, with 31 vernacular students under training, and 26 Anglo-vernacular teachers under training (including 7 graduates), when he left charge of the institution in February, 1929? If so, will Government be pleased to state if Mr. Shamsul Ghani Khan was given a grade higher than the grade of his predecessor in office, who was in charge only of vernacular training, or was given a personal allowance for the additional work?

† For answer to this question, see answer to question No. 1341.

IMPORTATION INTO AND SALE IN INDIA OF SPURIOUS AND ADULTERATED DRUGS.

1350. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state what action they have taken on the importation into and sale in India of spurious and adulterated drugs, including quinine, as reported by me at the September Session of the Legislative Assembly?

(b) Will Government please state what action they intend to take to stop this effectively, as also to require the compulsory qualification of all those who dispense drugs?

(c) Will Government please state whether they intend introducing a Food and Drugs Adulteration Act and a Pharmacy and Poisons Bill? If so, when? If not, why not?

Mr. G. S. Bajpai: (a) and first part of (b). As promised by me in my reply to part (c) of the Honourable Member's question No. 774, asked on 21st September, 1928, Local Governments and Administrations were asked to report on the extent of the sale of adulterated quinine within their respective territories. All the replies are not yet in. The majority of the replies received state that there is not much adulterated quinine being sold; others express the contrary view. The Government of India, are accordingly of opinion that the first requisite is to get at the facts by means of an investigation into the general problem of the preparation and sale of medicines and drugs. They have recently asked Local Governments whether they would agree to the appointment of a small expert committee to explore and define the scope of the problem and to make recommendations.

Second part of (b) and (c). The adulteration of food-stuffs and other articles is a provincial, transferred subject, subject to legislation by the Indian Legislature as regards import and export trade. Most of the provinces have their own Food Adulteration Acts. The adequacy of provincial legislation to deal with the problem of the sale of drugs will, it is hoped, be investigated by a committee regarding the appointment of which Local Governments have been consulted. Until the scope of the problem and the effectiveness or otherwise of existing legislation to deal with it have been determined it would be premature to take up the question of all-India legislation.

The Honourable Member is probably suggesting the introduction of a Pharmacy Bill in order that power may be taken by law to restrict the exercise of the profession of chemists to duly qualified persons. Government hope that if the Committee of Inquiry to which I have referred, is appointed it will also go into this question and make recommendations. A Poison Act already exists in India—Act XII of 1919.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly state when he hopes this committee will be appointed?

Mr. G. S. Bajpai: Sir, we circularised the Local Governments on the 8th of March, and we have asked them to send in their replies as early as possible. But it is impossible for me to say how long they would actually take in sending their replies. Assuming they are in by some time, shall we say, the beginning of July or August, the question of appointment of the committee will then be taken up.

Lieut.-Colonel H. A. J. Gidney: With regard to the Food Adulteration Act, which is a provincial matter, will the Honourable Member state whether it is a fact that this Act is not in operation in certain provinces, and in view of this fact, will the Government of India take necessary steps to bring this to the notice of the Local Governments?

Mr. G. S. Bajpai: I think, in my reply, I stated that it was not one Food Adulteration Act which was in force in India, but that most of the provinces have their own Food Adulteration Acts. I also went on to state that, as to whether these Acts were really operative, and if so, whether they were effective for the purpose which the Honourable Member had in view, that question could only be answered by the replies which the Local Governments were asked to submit, and possibly by the investigation which the suggested Committee might undertake. I cannot, at this stage say more.

APPOINTMENT OF A COMMITTEE TO INVESTIGATE THE EXPENDITURE INCURRED ON THE STAFF AND PERSONNEL OF ARMY HEADQUARTERS.

1351. ***Lieut.-Colonel H. A. J. Gidney:** With reference to the criticisms made during the last budget debate by various members of the Legislative Assembly in regard to the expenditure incurred on Army Headquarters staff and personnel, will Government be pleased to state if they propose to appoint a suitable committee of independent men to thoroughly investigate the matter and adjust the staff, especially the clerical branch, on a sound up-to-date business footing?

Mr. G. M. Young: The matter has already been examined by an independent expert authority in the person of Mr. Heseltine. The inquiry is being continued by a Special Officer on the lines suggested by Mr. Heseltine; considerable economies have already been effected; and more are in sight.

GRANT OF ENHANCED PENSION RATES TO CERTAIN MEDICAL SERVICES WITH RETROSPECTIVE EFFECT.

1352. ***Lieut.-Colonel H. A. J. Gidney:** (a) Have Government decided not to extend the enhanced present day Indian Medical Department pension, with retrospective effect from 1st April, 1919, and to grant enhanced pension rates to the India Unattached List and Indian Miscellaneous List from 1st October, 1925, and to the Indian Medical Department from 1st October, 1927?

(b) Will Government be pleased to state if they propose to grant the enhanced Indian Medical Department pension rates with retrospective effect from 1st October, 1925?

(c) If the answer to part (b) is in the negative, will Government be pleased to state the reasons and whether it is against any implied request to do so from the Secretary of State for India?

Mr. G. M. Young: (a) Yes.

(b) No, Sir.

(c) The ordinary rule is that a measure of this kind takes effect from the date of sanction. The Government of India considered that there

was no reason to depart widely from this rule. The Secretary of State's sanctioning orders were dated the 12th December 1927: but, with his concurrence, effect was given from the 1st October of the same year. The answer to the last portion of this question is in the negative. The Secretary of State made no suggestion for retrospective effect, beyond what was actually granted.

Lieut.-Colonel H. A. J. Gidney: Is it a fact that the reason for this enhanced pension was the increased cost of living? If it were given on that consideration, will the Honourable Member state whether there was any difference in 1925 in the cost of living between the India Unattached List and the Indian Medical Department?

Mr. G. M. Young: I am afraid it is not possible for me, within the scope of an answer to a supplementary question, to explain the reasons for the enhancement of the rates.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly state what difference did exist, to warrant the fixing of different dates for giving effect to the pensions to the I. U. L. and I. M. D.?

Mr. G. M. Young: The Honourable Member appears to be calling for an expression of my opinion.

Lieut.-Colonel H. A. J. Gidney: But can you give it to me?

Mr. President: Colonel Gidney.

REFUSAL OF ADMISSION TO THE BENGAL PILOT SERVICE OF MR. T. R. E. BOILEAU.

1353. ***Lieut.-Colonel H. A. J. Gidney:** (a) Is it a fact that apprentices, before entertainment in the Bengal Pilot Service, are asked to undergo the Board of Trade visual and physical fitness test and also are required a 2nd Mate's certificate of competency?

(b) Is it, or is it not, a fact that the Board of Trade visual test is different to that required for entertainment in Bengal Pilot Service?

(c) If the answer to part (a) is in the affirmative, are Government prepared to take steps to remove this difference?

(d) If the answer to part (b) is in the negative, will Government please state why Mr. T. R. E. Boileau, who had passed the Board of Trade visual tests both in Bombay and Bengal, holds a 2nd Mate's certificate, and was examined by Colonel Sandes, I.M.S., Calcutta, and found physically and visually fit, was refused admission into the Bengal Pilot Service on July 5th, 1928, after having passed the other examinations, on the ground that a Medical Board found that there was a slight error in his left eye?

(e) Are Government prepared to reconsider the case of Mr. Boileau?

The Honourable Sir George Rainy: Inquiries are being made from the Government of Bengal and the result will be communicated to the Honourable Member in due course.

GRANT TO FOREMEN OF INDIAN ORDNANCE FACTORIES OF ASIATIC DOMICILE OF ADDITIONAL PAY GIVEN TO FOREMEN RECRUITED FROM THE UNITED KINGDOM.

1354. *Lieut.-Colonel H. A. J. Gidney: (a) Will Government be pleased to state whether it is a fact that a technical pay was granted in 1921 to Foremen and Assistant Foremen of the Indian Ordnance Factories, who were domiciled and recruited in the United Kingdom?

(b) Is it a fact that the Royal Commission on the Superior Civil Services condemned, in their report, the principle and practice of such distinctions, and recommended that those of Asiatic domicile recruited in India, and who perform the same work as the non-Asiatic employee, should also receive this technical pay?

(c) Is it a fact that, on a representation made by the Foremen's Association, the Government of India and the Secretary of State extended this technical pay, with effect from 1st April 1928, to men recruited in India, but who have a non-Asiatic domicile? If so, why?

(d) Is it a fact that, in a letter dated the 16th January 1928, the Director General of Ordnance in India clearly stated that this "increase of pay of Rs. 75 was specifically restricted to such men as are domiciled and recruited in the United Kingdom"?

(e) Will Government be pleased to state if they propose to remove this disparity in treatment at an early date and grant the technical pay to Foremen and Assistant Foremen of both Asiatic and non-Asiatic domicile? If not, why not?

Mr. G. M. Young: (a) Men of the class referred to are given an extra Rs. 75 a month. This extra pay, however, is not technical pay, nor is it based on the nature of the work performed.

(b) The Honourable Member is correct, so far as technical pay is concerned, but, as I have stated, this allowance is not technical pay.

(c) Yes, because the important test is the place of domicile, not the place of recruitment, which is fortuitous.

(d) The answer is in the affirmative.

(e) No, Sir; because there are no grounds on which such an allowance could be justified for men who are domiciled in this country.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state since when this Rs. 75 allowance has been changed into a technical allowance?

Mr. G. M. Young: The allowance has not been changed into what the Honourable Member says.

Lieut.-Colonel H. A. J. Gidney: Has it been only recently changed?

Mr. G. M. Young: No change whatever has taken place in the nature of the allowance.

Lieut.-Colonel H. A. J. Gidney: Sir, I am prepared to state that the change . . .

Mr. President: Order, order.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether a representation was made by the Foremen's Association to the Master-General Supplies, and that, as a result of this the name "technical pay" was changed into "Overseas allowance"?

Mr. G. M. Young: I do not think, Sir, that the facts are as stated by the Honourable Member. In any case, I should have to ask for notice of a question like that.

REFUSAL OF ADMISSION OF COLOURED CHILDREN TO THE LOVEDALE LAWRENCE MILITARY SCHOOL, OOTACAMUND.

1355. *Lieut.-Colonel H. A. J. Gidney: (a) Is it a fact that none but the children, both European and Anglo-Indian, of British soldiers and parents who have been connected with the British Army, are admitted into the Lovedale Lawrence Military School at Ootacamund?

(b) Are Government aware that Anglo-Indian children of such men, unless they are of fair complexion, find it extremely difficult to obtain admission into this School?

(c) Are Government aware of the fact that this is the deliberate policy of the present Principal, Revd. Padfield, and that it has existed for some time and has created a feeling of great discontent in the community?

(d) Are Government prepared to inquire into this matter and take steps to remedy this colour distinction?

Mr. G. M. Young: (a) Yes, Sir.

(b), (c) and (d). The answer is in the negative. I am informed that 30 per cent. of the children in the school are Anglo-Indians, and that they are welcomed by the school authorities.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether he is aware that there is great discontent in some Anglo-Indian families in South India regarding the conduct of the Principal of this School?

Mr. G. M. Young: No, Sir.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member make inquiries into the matter, because it is a serious thing?

Mr. G. M. Young: Certainly not, Sir, on a vague allegation of this kind.

Lieut.-Colonel H. A. J. Gidney: I did not quite hear the answer, Sir.

Mr. G. M. Young: I said, certainly not on a vague allegation of this kind. If, however, the Honourable Member can produce any specific complaint, the Government would no doubt be prepared to investigate it.

Mr. K. O. Neogy: May I take it, Sir, that Indians are not eligible for admission into this school?

Mr. G. M. Young: No, Sir; I think not.

Mr. K. O. Neogy: Why, Sir?

Mr. G. M. Young: Because it was founded for European and Anglo-Indian children.

Mr. K. C. Neogy: But I thought the Anglo-Indians also are Indians. (Laughter).

Diwan Chaman Lal: May I ask the Honourable Member, Sir, whether he has read the Queen's Proclamation?

Mr. President: Colonel Gidney.

METHOD OF SELECTION OF OFFICERS FOR THE TEMPORARY BRANCH OF THE INDIAN MEDICAL SERVICE.

1356. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state by whom, and the manner in which, officers are selected for the temporary branch of the Indian Medical Service?

(b) Will Government be pleased to state whether they propose to allow the Public Service Commission to perform this duty?

Mr. G. M. Young: (a) Selection is made by the Director-General, Indian Medical Service, from among the applicants on the waiting list maintained in his office. In making selections, preference is given to those who possess the highest professional qualifications and are otherwise suitable.

(b) No, Sir.

RULES SANCTIONING THE CO-OPTION OF AN ADDITIONAL MEMBER TO THE PUBLIC SERVICE COMMISSION.

1357. ***Lieut.-Colonel H. A. J. Gidney:** (a) Is it a fact that in the selection of officers for the technical branches of the Public Services, an official expert technical officer is co-opted to the Public Service Commission to guide and advise them in such selections?

(b) If the answer to part (a) is in the affirmative, will Government please state the rules sanctioning such an additional member to the Public Service Commission?

The Honourable Mr. J. Crerar: (a) No. The Public Service Commission do not co-opt a technical expert, but, in accordance with proviso (a) to rule 5 of the Public Service Commission (Functions) Rules of 1926, invite the Department for which recruitment is being made to send a representative to be present at the interview of candidates in an advisory capacity.

(b) Does not arise.

Lieut.-Colonel H. A. J. Gidney: In view of the Honourable Member's reply, and the fact that the Public Service Commission does co-opt a departmental officer at the time of the interview, is it or is it not a fact that the selection is almost an one man's show? If the answer is in the affirmative, will the Honourable Member consider the advisability of these selections being reverted to the departmental heads themselves?

The Honourable Mr. J. Crerar: No, Sir; I do not think that the selection is a one man's show. The second part of the Honourable Member's question does not arise.

Lieut.-Colonel H. A. J. Gidney: Then, what is the need for introducing into that Commission an expert man for advice?

The Honourable Mr. J. Crerar: The object, Sir, of permitting an expert to sit with the Commission while they are interviewing the candidates is that they may have the benefit of his expert advice.

Lieut.-Colonel H. A. J. Gidney: Will they be guided by the expert advice?

The Honourable Mr. J. Crerar: They will no doubt take into consideration his advice.

DISCONTINUANCE OF DEPARTMENTAL CONFIDENTIAL NOTES AGAINST CANDIDATES APPEARING BEFORE THE PUBLIC SERVICE COMMISSION.

1358. ***Lieut.-Colonel H. A. J. Gidney:** (a) In the promotion of an upper subordinate to the superior services, for example, the Posts and Telegraphs, Railways, etc., is it a fact that the Public Service Commission are almost entirely guided by the confidential reports and notes made against each candidate by the head of the department concerned, and the candidates do not appear in person before the Public Service Commission?

(b) If the reply to part (a) be in the affirmative, are Government prepared to consider the advisability of discontinuing the practice of such notes, and allow each candidate to present himself before the Public Service Commission? If not, why not?

The Honourable Mr. J. Crerar: (a) In the case of promotion, the function of the Public Service Commission is, under rule 6 of the Public Service Commission (Function) Rules, to advise the Governor General in Council in respect of each candidate nominated, whether his qualifications are sufficient and whether his record proves him to have the requisite character and ability for the service to which it is proposed to appoint him. For the proper exercise of this function it is necessary that due weight should be given to the confidential reports of Heads of Departments. Candidates do not ordinarily appear before the Public Service Commission, but there is nothing to prevent the Commission summoning a candidate for interview if they desire to do so.

(b) No, for the reasons I have just stated.

Lieut.-Colonel H. A. J. Gidney: Does the Public Services Commission pay great attention to the opinion of the departmental head submitted to it in regard to each candidate?

The Honourable Mr. J. Crerar: In each case, the opinion of the Head of the Department is communicated to the Commission.

Lieut.-Colonel H. A. J. Gidney: Then, Sir, do I understand the Honourable Member to say that the decision of the Public Service Commission is entirely dependent on the recommendation of the Head of the Department?

The Honourable Mr. J. Crerar: No, but it is taken into account.

Mr. A. Rangaswami Iyengar: Then, Sir, am I to take it that whenever a case is sent up to the Public Service Commission, they have to consider the recommendations of the departmental head as to how they should dispose of the particular case before them?

The Honourable Mr. J. Crerar: The opinion of the Head of the Department on the qualifications of the candidate do not amount to a direction to the Commission.

Mr. K. C. Neogy: May I know if the Honourable Member is in a position to give instances in which the Public Service Commission have turned down the recommendation or the opinion of the departmental authorities?

The Honourable Sir Bhupendra Nath Mitra: Yes, Sir; I am aware of at least one case in which the Public Service Commission were not purely guided by the recorded opinion of the Head of the Department.

Mr. Jamnadas M. Mehta: So, that is an exception only?

Lieut.-Colonel H. A. J. Gidney: One out of how many?

Mr. K. C. Neogy: Will the Honourable Member who represents Railways in this House make a similar statement. (Laughter.)

PERMANENT APPOINTMENT OF UPPER SUBORDINATES OFFICIATING AS OFFICIALS ON RAILWAYS.

1359. ***Lieut.-Colonel H. A. J. Gidney:** With reference to the statement made by the Honourable Member in charge of Railways, during the discussion on Railway Demands for Grants in 1928, that he was considering means by which the railway upper subordinates officiating as officials would be made permanent, will Government please state whether the matter has been settled? If not, why not?

The Honourable Sir George Rainy: I have examined the discussions on the Railway Budget in 1928, and cannot find that I made any statement whatever on the subject of upper subordinates acting in officers' posts. Probably however my Honourable and gallant friend refers to what was said by Mr. Parsons on two occasions while the Demands for Grants were under discussion. It has not yet been found possible to devise a satisfactory solution of the difficulties with which this question is surrounded, but I recognise that it has been pending for a long time and ought to be settled soon. I am asking Mr. Hayman, the new Member of the Board, to give it his personal attention, so that definite decisions may be arrived at as soon as possible.

ISSUE OF A WHIP TO GOVERNMENT OFFICIALS TO SUPPORT THE DAILY CHRONICLE.

1360. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state whether any whip has been issued to its officials to support financially the *Daily Chronicle* by subscribing to it and using it as an advertisement medium?

(b) If so, what are the grounds on which such a whip has been issued?

The Honourable Mr. J. Crerar: (a) The answer is in the negative.

(b) Does not arise.

Mr. Gaya Prasad Singh: May I know how many copies of this paper are subscribed for by the Home Department of the Government of India?

The Honourable Mr. J. Crerar: I have not at present any information on that subject; I must ask for notice.

Mr. Gaya Prasad Singh: Is it not a fact that the Home Department subscribe for more copies of this paper than of any other paper?

The Honourable Mr. J. Crerar: I am not aware that this is the case.

Mr. Gaya Prasad Singh: Will the Honourable Member collect this information and lay it on the table of this House at a subsequent meeting?

The Honourable Mr. J. Crerar: No, Sir.

ISSUE OF AN ORDER TO UNITS UNDER HIS COMMAND TO SUBSCRIBE TO THE DAILY CHRONICLE, DELHI, BY THE GENERAL OFFICER COMMANDING, KOHAT BRIGADE.

1361. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that General F. A. Fagan, the General Officer Commanding, Kohat Brigade, has issued a brigade order calling upon the units under his command to subscribe to the *Daily Chronicle* of Delhi?

(b) Are there any special reasons for bringing this newspaper on the approved list of Government within eight weeks of its existence?

The Honourable Mr. J. Crerar: (a) and (b). I am not aware, but I am making inquiries.

Mr. Siddheswar Prasad Sinha: Will the Honourable Member lay the result of the inquiry on the table of the House?

The Honourable Mr. J. Crerar: I shall consider what the result of the inquiry is in due course.

NAME OF THE PROPRIETOR OF THE DAILY CHRONICLE, DELHI.

1362. ***Mr. Siddheswar Prasad Sinha:** Will Government state the name of the proprietor of the *Daily Chronicle* of Delhi?

The Honourable Mr. J. Crerar: The Government of India have no information on the subject beyond what is available to the general public.

Mr. Siddheswar Prasad Sinha: Do Government subscribe to any copy of this paper?

The Honourable Mr. J. Crerar: I understand the Honourable Member to ask me whether the Government of India subscribe for a copy of this paper. They subscribe for a very large number of newspapers, including the particular paper in question.

Mr. Siddheswar Prasad Sinha: Have not Government, then, seen the first page of this paper?

(No answer was given.)

NUMBER OF TEMPORARY AND OFFICIATING CLERKS EMPLOYED AT ARMY HEAD-QUARTERS, WHO HAVE NOT PASSED THE PUBLIC SERVICE COMMISSION EXAMINATION.

1363. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government please state the number of unpassed clerks employed in the Army Headquarters in temporary and officiating vacancies?

(b) How many of them are ex-employees of the Army Canteen Board and have been provisionally exempted from the Public Service Commission examination?

(c) How many others have been appointed without the consent of the Public Service Commission?

(d) When do Government propose to replace those who have neither passed the examination nor are ex-employees of the Canteen Board, by passed candidates now available for appointment?

Mr. G. M. Young: (a) Seventy-five, excluding the Contracts Directorate which does not recruit through the Public Service Commission.

(b) Six.

(c) Sixty-nine. The Public Service Commission have given their general consent to the employment of unpassed men in short leave vacancies, for which passed men are seldom immediately available.

(d) Unpassed men are replaced in such vacancies by passed men whenever the latter become available.

RENT OF SHOPS IN DIAZ SQUARE, NEW DELHI.

1364. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that the twelve Diaz Square shops in New Delhi occupy only as much area as six D class quarters in the Square?

(b) Is it also a fact that the cost of construction of the twelve shops is almost the same as that of six quarters?

(c) What is the rent for the twelve shops for the year—October, 1928 to September, 1929—and what rent do the Government expect to realise from the present tenants of the six quarters next to the shops for the same period?

(d) Is it a fact that the twelve shops yield about 15 times more rent than the 6 residential quarters, although the cost of construction of both is almost the same?

(e) Is it a fact that the existing shops in Diaz Square were constructed by converting some of the residential quarters into shops?

(f) Do Government propose to convert some more quarters in the same square into shops to meet the demand for more shops in the locality?

(g) Do Government propose to construct more shops on the Baird Road? If so, when?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Yes.

(c) and (d). The rent for the twelve shops for the year is Rs. 10,080 and that expected to be realised from the present tenants of the six quarters is Rs. 1,152 for the same period.

(e) No.

(f) No.

(g) No, but it is understood that the New Delhi Municipal Committee contemplate building shops on Baird Road as circumstances permit.

PROVISION OF GARAGES FOR CARS OF MEMBERS OF THE INDIAN LEGISLATURE.

1365. ***Mr. Srish Chandra Dutta:** (a) Are Government aware that very great inconvenience and considerable risk are being caused to the Members of the Indian Legislature for want of accommodation for their motor cars?

(b) Are Government aware that there are no garages provided with the quarters and bungalows built for these Members on the Ferozshah Road and Canning Lane, although there is sufficient space available for them at the back of these quarters?

(c) Do Government propose to take steps to provide one garage for each of the quarters as soon as possible?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are aware that a certain amount of inconvenience has been caused to Members owing to lack of sufficient garage accommodation.

(b) and (c). Yes.

INCONVENIENCE CAUSED BY BRICK DUST IN COURTYARDS OF BUNGALOWS ON FERROZSHAH ROAD.

1366. ***Mr. Srish Chandra Dutta:** (a) Are Government aware that the brick dust in the courtyards of bungalows on the Ferozshah Road and Canning Lane gets into the kitchen and sleeping rooms and is injurious to the health of Members residing there?

(b) Will Government be pleased to state as to how much Government save by making these courtyards of brick dust, instead of paving them with bricks? Did Government take the health of the residents into consideration while saving any money, if they did?

(c) Do Government know that these courtyards have practically worn out?

(d) Are Government prepared to give due regard to the health of Members and pave these courtyards?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The courtyards are not made of brick dust but of *bajri*. The saving amounts to Rs. 87 per courtyard. No complaints have been received as to the detrimental effect of the use of *bajri* on the health of the tenants.

(c) No.

(d) Government do not consider that the paving of these courtyards is necessary.

UNSATISFACTORY CONDITION OF ENCLOSED GARDENS OF BUNGALOWS ON FERROZSHAH ROAD AND CANNING LANE, NEW DELHI.

1367. ***Mr. Srish Chandra Dutta:** Are Government prepared to inquire into the condition of the enclosed gardens of the bungalows on Ferozshah Road and Canning Lane? Are Government aware that, not only is there no grass in these so-called gardens, but that they are not even levelled and were like jungles when Members occupied them? Do Government propose to put them in proper order before they are next occupied?

The Honourable Sir Bhupendra Nath Mitra: The areas referred to are not gardens but courtyards, and grass has never been planted in them. Difficulty is experienced in keeping these yards tidy, as many of them cannot be entered by the maintenance staff. Any occupant desirous of having horticultural work done in his courtyard should apply to the Superintendent, Horticultural Operations.

NUMBER OF MUSLIMS EMPLOYED IN CERTAIN OFFICES UNDER THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1368. ***Maulvi Muhammad Yakub:** (1) Will Government please place on the table a statement showing the following?

- (a) The total number of clerical appointments in the Office of the Director General of Posts and Telegraphs, offices of the Postmaster-General in different Circles and offices of the Directors of Telegraph Engineering separately, together with the total number of such appointments held by Muslims in each office separately;
- (b) The total number of selection grade appointments in the above mentioned offices separately, together with the total number of such appointments held by Muslims in each office; and
- (c) The total number of Assistant Directors General and Assistant Postmasters-General in the offices concerned, separately, and the total number of investigating Inspectors in each Circle office, together with the total number of Muslims holding these posts separately in each office.

(2) Do Government find that, in any of the clerical or executive appointments mentioned in the foregoing question, the number of Muslims is disproportionately low? If so, what practical measures do Government propose to take to remove this grievance of the Muslim community?

The Honourable Sir Bhupendra Nath Mitra: (1) (a), (b) and (c). A statement is being supplied to the Honourable Member separately.

(2) Communal considerations do not come into operation when it is a question of promotion or posting. As regards direct recruitment, Government are not prepared to go further than the general principle already laid down by them, that every third vacancy shall, if necessary, be utilized for the adjustment of communal inequalities.

HOLDING OF CONTINUOUS CHARGE OF ONE POST FOR MORE THAN FIVE YEARS BY CERTAIN POSTAL OFFICIALS.

1369. ***Maulvi Muhammad Yakub:** (a) Is it a fact that there are orders to the effect that no Assistant Director General, Assistant Postmaster-General or Investigating Inspector should be allowed to hold charge of the post for more than five years in succession and should not be brought back to the post before the expiry of three years?

(b) Is it a fact that some of the officers mentioned in part (a) have been allowed to remain in the post for the last 6 or 7 years, or even more, and have not yet left the post, even for a day, though their lien may have been transferred only on paper to some other post for some time during this long period? If so, why have Government orders mentioned in part (a) not been carried out in respect of such officers?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, but the rule does not apply to Assistant Directors General generally.

(b) Two Assistant Postmasters-General and three Investigating Inspectors have been allowed to remain in their present charges for a period longer than that ordinarily allowed by the rule. This has been allowed on administrative grounds. The two Assistant Postmasters-General will shortly be transferred, and steps will be taken for the transfer of the three Investigating Inspectors.

EMPLOYMENT OF MUSLIMS AS HEAD CLERKS IN POSTAL CIRCLE OFFICES.

1370. ***Maulvi Muhammad Yakub:** Is it a fact that, in some of the Circle offices there are no Muslim Head Clerks at all? If so, is it not possible to transfer into these offices well-qualified Muslim Head Clerks to Divisional Superintendents, or Muslim Inspectors, who are in the same grade as those of the Postmaster-General's Office Head Clerks?

The Honourable Sir Bhupendra Nath Mitra: Yes, but only in three Circles. Transfers of staff from the Circle cadre to the cadre of the Postmaster-General's Office can be made only in exceptional circumstances to meet exigencies of the public service.

EXPENDITURE INCURRED UNDER VARIOUS HEADS ON THE CREW SYSTEM OF CHECKING RAILWAY TICKETS.

1371. ***Mr. Amar Nath Dutt:** Will Government please lay on the table a statement showing the expenditure on the crew system, per year, per division, under the following heads:—

- (a) Pay and allowances of entire establishment including office and running staff;
- (b) Hostels; and
- (c) Uniforms, stationery, provident fund and leave reserve, etc.?

Mr. P. B. Rau: With your permission, Sir, I propose to reply to questions Nos. 1371 to 1378, 1380, 1381, and 1389 to 1391 together. These questions are practically identical with questions Nos. 1105 to 1111 put by my Honourable friend Maulvi Muhammad Yakub on the 18th March, 1929, and I would refer the Honourable Member to the reply given by the Honourable Sir George Rainy to those questions.

DECREASE IN NUMBER OF PASSENGERS TRAVELLING IN AREAS OF RAILWAYS WHERE THE CREW SYSTEM IS EMPLOYED.

†1372. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the number of passengers who travelled on the non-crew area during the year 1927-28 as compared with the year 1926-27?

(b) Will Government please lay on the table a similar statement for the crew area?

(c) Has there been an increase of traffic on the non-crew area and decrease on the crew area during the last year? If so, what is the reason?

† For answer to this question, see answer to question No. 1371.

OBJECT OF INTRODUCING THE CREW SYSTEM OF CHECKING RAILWAY TICKETS.

†1373. ***Mr. Amar Nath Dutt:** (a) Will Government please state the object or objects of introducing the crew system?

(b) Will Government please state if the said object or objects have been fulfilled? If so, in what manner?

NUMBER OF PASSENGERS PROSECUTED FOR TRAVELLING WITHOUT TICKETS IN THE HOWRAH AND LUCKNOW DIVISIONS DURING THE OPERATION OF THE CREW SYSTEM.

†1374. ***Mr. Amar Nath Dutt:** Will Government please lay on the table a statement showing the number of passengers prosecuted for travelling without tickets in the Howrah and Lucknow Divisions during the operation of the crew system?

COMPARISON OF EXCESS FARE EARNINGS IN NON-CREW AND CREW AREAS.

†1375. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the increase or decrease in the excess fare earnings for the year 1927-28, as compared with the earnings for the year 1926-27, in the divisions where the crew system exists?

(b) Will Government please lay on the table a similar statement for the non-crew area?

COMPARISON OF EXCESS FARE EARNINGS OF THE NON-CREW AND CREW SYSTEMS IN THE LUCKNOW DIVISION OF THE EAST INDIAN RAILWAY.

†1376. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the increase or decrease in excess fare earnings of the crews in the Lucknow Division of the East Indian Railway during the four months, June to September, 1927, as compared with the corresponding period in the year 1926, when there was no crew system?

(b) Will Government be pleased to state the number of passengers found travelling without tickets by the crews on the Lucknow Division during the said period?

IRREGULARITIES IN AREAS WHERE THE CREW SYSTEM OF CHECKING RAILWAY TICKETS IS IN FORCE.

†1377. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the irregularities on the crew area detected by the Inspectors of Accounts (Crews) during the year 1927-28?

(b) Will Government be pleased to state the number of passengers found travelling without tickets by the said Inspectors of Accounts on the crew area in the year 1927-28?

NUMBERS OF INSPECTORS OF ACCOUNTS (CREWS) IN THE HOWRAH DIVISION DURING 1927-28.

†1378. ***Mr. Amar Nath Dutt:** Will Government please state the number of Inspectors of Accounts (Crews) in the Howrah Division during the year 1927-28?

† For answer to this question, see answer to question No. 1371.

APPOINTMENT OF SENIOR TRAVELLING TICKET INSPECTORS AS INSPECTORS OF ACCOUNTS (CREWS).

1379. ***Mr. Amar Nath Dutt:** (a) Are Government aware that, out of the thirteen Inspectors of Accounts, (Crews), in the Howrah Division only two are from the old Travelling Ticket Inspectors, and the rest, eleven, are either outsiders or belong to the other branches of the Railway?

(b) If so, will Government please state why a larger number of appointments amongst the Inspectors of Accounts, (Crews), could not be filled from amongst the senior Travelling Ticket Inspectors?

Mr. P. R. Rau: Government have no information, but I am sending a copy of the Honourable Member's question to the Agent of the East Indian Railway for his consideration.

NUMBER OF DISMISSED GOVERNMENT AND RAILWAY EMPLOYEES APPOINTED IN THE CREW DEPARTMENT.

†1380. ***Mr. Amar Nath Dutt:** (a) Will Government be pleased to state the number of dismissed Government and railway employees appointed in the Crew Department in various capacities and the number of such men still working in the said Department?

(b) Will Government please say why it is necessary to retain the services of dismissed men in the Crew Department?

SUCCESS OR OTHERWISE OF THE CREW SYSTEM OF CHECKING RAILWAY TICKETS.

†1381. ***Mr. Amar Nath Dutt:** (a) Will Government please state if the crew system has been successful in achieving satisfactory collection of tickets and there has been no loss of tickets on the area on which there exists the crew system?

(b) Will Government please lay on the table a statement showing the total number of missing tickets on the Lucknow, Howrah, Dinapore and Asansol Divisions on the East Indian Railway during the five months ending November, 1928?

(c) Is it not a fact that the collection of tickets in trains has been a failure, and tickets are collected by the running staff on gates or on platforms?

APPOINTMENT OF MR. PALMER OF THE TELEGRAPH DEPARTMENT AS CHIEF INSPECTOR (CREWS).

1382. ***Mr. Amar Nath Dutt:** (a) Will Government please state the reasons for the appointment of Mr. Palmer, an official from the Telegraph Department, as an additional Chief Inspector (Crew) on a salary of about Rs. 300 per mensem?

(b) Will Government please state why this appointment was not filled by any one from amongst the senior and deserving Travelling Ticket Inspectors?

Mr. P. R. Rau: Government have no information, but have no doubt that the Agent, with whom the appointment rests, made the best selection he could, after considering the claims of all suitable candidates.

† For answer to this question, see answer to question No. 1371.

CLAIMS OF SENIOR TRAVELLING TICKET INSPECTORS TO APPOINTMENT AS INSPECTORS OF CREWS.

1383. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the Accounts Department has posted Line Inspectors and Assistant Line Inspectors of Crews from amongst its own Inspectors of Accounts, and the claim of even the senior-most and deserving Travelling Ticket Inspectors has been ignored entirely?

(b) If so, will Government please state why this preferential treatment was accorded to the former?

(c) Do Government propose to restrict such preferential and differential treatment being meted out to the Travelling Ticket Inspectors?

Mr. P. R. Rau: (a) and (b). Government are unaware of any preferential treatment accorded.

(c) Government have no reason to suppose that Travelling Ticket Inspectors are subjected to unfair treatment, and cannot undertake to inquire into cases which are entirely within the competence of the Agent of the Railway.

CONDITIONS FOR GRANT OF ANNUAL INCREMENT TO TRAVELLING TICKET INSPECTORS.

1384. ***Mr. Amar Nath Dutt:** (a) Is it a fact that a Travelling Ticket Inspector cannot be granted his annual increase unless his average earnings during the preceding year had been Rs. 10 per day?

(b) Are Government aware that this condition for annual increase being granted causes great hardship to the poor men, and do Government propose to do away with this restriction? If not, why not?

Mr. P. R. Rau: (a) I am informed by the Agent, East Indian Railway, that this is not the case.

(b) Does not arise.

OVERWORK OF TICKET COLLECTORS IN THE SORTING OFFICE, LUCKNOW.

1385. ***Mr. Amar Nath Dutt:** (a) Are Government aware that the ticket collectors in the Sorting Office, Lucknow, are very heavily overworked and that they are seldom allowed Sundays and other gazetted holidays?

(b) Are Government aware that, on the East Indian Railway Union, Moradabad, moving the Agent, East Indian Railway on the subject of their long hours of duty and certain other grievances, the Inspector, Sorting Office, had been threatening certain men that they would be transferred to far off places such as in the Howrah Division because they had joined the Union?

(c) If not, do Government propose to inquire into the circumstances as a result of which the transfer of certain men in the above Sorting Office is under contemplation?

(d) Do Government propose to issue instructions to the Agents of the railways to prevent oppression or pressure being put on the members of the railway unions under threats or otherwise?

Mr. P. R. Rau: (a), (b) and (c). Government have no information, but are sending a copy of this question to the Agent, East Indian Railway, for such action as he may think fit to take.

(d) Government have no reason to believe that any such general instructions are called for.

APPOINTMENT AS CREW MEN OF TICKET COLLECTORS AND STAFF OF TICKET SORTING OFFICES.

1386. ***Mr. Amar Nath Dutt:** (a) Are Government aware that a number of men amongst the ticket collectors (sorting) in the Lucknow Sorting Office applied to hold charge of Crew Inspectorships, or to work as crew-men but were refused?

(b) Do Government propose to issue instructions to the effect that senior and deserving hands from amongst the staff in the ticket sorting offices and ticket collectors should be given fair chances to work as crew-men?

Mr. P. R. Rau: The answer to both parts of the question is in the negative. The matter is within the competence of the Agent.

COSTLY NIPPER AND TICKET PUNCH PURCHASED FOR USE BY RAILWAY TICKET COLLECTORS.

1387. ***Mr. Amar Nath Dutt:** (a) Are Government aware that a costly nipper and ticket collecting punch has recently been ordered?

(b) Is it a fact that the cost of the new nipper is more than one and half times the pay of a crew-man?

(c) Is it also a fact that the newly indented nipper is too bulky and awkward and cannot be placed in a pocket of ordinary size, and cannot be suspended from the belt, being too heavy?

(d) Are Government aware that the new pattern nipper has been indented for from outside India?

(e) Will Government please state why such a costly, bulky and heavy nipper had to be indented for and why it could not be got made in India?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to this and the next question together. In reply to a similar question by Maulvi Muhammad Yakub, No. 1152, on the 20th March, 1929, I have undertaken to collect the information, and a copy of the final reply that I propose to send to Maulvi Muhammad Yakub will be sent to my Honourable friend as well.

COLLECTION OF RAILWAY TICKETS AT ROADSIDE STATIONS.

†1388. ***Mr. Amar Nath Dutt:** (a) Will Government please state if it has been found possible to ensure cent per cent. collection of tickets for roadside stations having a stoppage of two or three minutes of the trains, especially when the number of passengers is very great and they travel for only one or two stations, and the average strength of crew-men is 5 to 19 bogies, comprising about 40 compartments?

(b) Will Government please state the arrangements made for the remainder of "token" surrendered below destination?

† For answer to this question, see answer to question No. 1387.

(c) Do Government propose to make adequate arrangements for the collection of tickets at gates, by providing a sufficient number of ticket-collecting staff?

NON-APPOINTMENT OF TRAVELLING TICKET INSPECTORS TO THE CREW DEPARTMENT.

†1389. ***Mr. Amar Nath Dutt:** (a) Will Government please state on what basis the opinion that the old Ticket Inspectors were not qualified for higher grade posts in the Crew Department was framed?

(b) Is it a fact that, when the crew system was introduced in the Howrah Division, the following from the Travelling Ticket Inspectors establishment were taken on loan to start with?

1. Mr. Bhagat Ram, Divisional Inspector, T. T. Is. to work as A. D. S. (Crews.)
2. Mr. Judgeali, Divisional Inspector, T. T. Is., to work as Chief Inspector.
3. Mr. Shakirali, Travelling Ticket Inspector, to work as Station Inspector.
4. Mr. H. S. Gardeber, Travelling Ticket Inspector, to work as Station Inspector.
5. Mr. Wala Razvi, Travelling Ticket Inspector, to work as Station Inspector.
6. Mr. Bejiman, Travelling Ticket Inspector, to work as Station Inspector.
7. Mr. Balbirsingh, Travelling Ticket Inspector, to work as Station Inspector.

(c) Is it a fact that most of the Travelling Ticket Inspectors had rendered meritorious services in different capacities on different occasions on the Railway, and before confirmation as Travelling Ticket Inspectors, had undergone selection by Stationmasters, Divisional Superintendents and Deputy Chief Accounts Officers?

EARNINGS OF TRAVELLING TICKET INSPECTORS.

†1390. ***Mr. Amar Nath Dutt:** Is it a fact that the earnings of the Travelling Ticket Inspectors used to cover all the expenditure of their establishment, that is, cost of their maintenance, establishment, uniforms, stationery, provident fund, bonus, gratuity, leave reserve and allowances, etc., besides effecting savings of several thousands of rupees?

NUMBERS OF TRAVELLING TICKET INSPECTORS AND NUMBERS OF CREW MEN DEALT WITH FOR VARIOUS OFFENCES.

†1391. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the services of the Travelling Ticket Inspectors now working under crew have been found satisfactory throughout, so far as efficiency is concerned? If not, will Government please lay on the table a statement showing the number of Travelling Ticket Inspectors dealt with departmentally or otherwise, for

† For answer to this question, see answer to question No. 1371.

(1) accepting illegal gratification, (2) misappropriation of money, (3) travelling without a ticket, (4) selling or re-using used tickets, (5) absconding with Government property, (6) assaulting passengers, (7) robbing passengers of their money and property (8) attempting to commit rape, etc.?

(b) Will Government please lay on the table a similar statement in the case of crew-men?

(c) Will Government please lay on the table a further statement showing the crew-men dealt with judicially for offences under the Railway Act, and sections 372, 352, 379, 426, 342, 354, 427, 323, 504, 120 and 101 of the Indian Penal Code?

(d) Will Government please say how many of the convicted men are still working as crew-men?

CONFLICTING STATEMENTS ABOUT RAILWAY EARNINGS.

1392. ***Mr. Amar Nath Dutt:** (a) Are Government aware that Mr. Parsons stated in the Public Accounts Committee, held in August, 1928, that there had been an increase in the railway earnings, but the Agent, East Indian Railway, in the meeting of the Advisory Committee, held on 30th November, 1928, stated that 3,000,000 less passengers had actually travelled?

(b) Will Government please state whether both or which of these two statements is correct?

Mr. P. R. Rau: I would refer the Honourable Member to the reply I gave to the same question put by the Honourable the Deputy President on the 18th March, 1919.

EARNINGS AND SAVINGS EFFECTED BY THE INTRODUCTION OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

1393. ***Mr. Amar Nath Dutt:** Will Government be pleased to state the amount of earnings and savings effected by the introduction of the Crew System over the East Indian Railway?

Mr. P. R. Rau: Passenger earnings are affected by so many and so various causes that it is practically impossible to calculate exactly the amount of earnings and savings effected by the introduction of the Crew System. Such information as is available in the East Indian Railway will no doubt be incorporated in the report that the Agent has been asked to supply regarding the working of the Crew System which it is proposed to place on the table of the House on receipt.

GRANT OF FREE QUARTERS TO TRAVELLING TICKET INSPECTORS.

1394. ***Mr. Amar Nath Dutt:** (a) Are Government aware that Travelling Ticket Inspectors are not provided with free quarters, nor are they allowed any house-rent in lieu thereof?

(b) Do Government propose to grant them the benefit of free accommodation, in view of their outdoor duties? If not, why not?

Mr. P. R. Rau: Government have no information on this matter, but their present policy is that rent should ordinarily be charged for all quarters, except those for menial staff. This policy was accepted by the Standing Finance Committee for Railways in 1926.

AIMS AND OBJECTS OF WELFARE COMMITTEES STARTED BY THE RAILWAY AUTHORITIES.

1395. *Mr. Amar Nath Dutt: (a) Will Government please lay on the table the aims and objects of the welfare committees started by the railway authorities?

(b) Will Government please say if any action is taken on the proposals and grievances put forward by the members of these welfare committees in the meetings of the said committees? If so, will Government please lay on the table a statement showing the proposals and grievances brought forward by the members, and the action taken by the authorities?

Mr. P. R. Rau: (a) The general purpose of these welfare committees is to improve the relations between the staff and the management, by providing regular and constitutional opportunities for the discussion of grievances, conditions of service and matters appertaining to the welfare of the staff generally.

(b) Yes. As an example, I might say that information received from the Agent, Bombay, Baroda and Central India Railway, shows that 65 meetings of District Staff Committees were held on that Railway during 1927-28, at which 648 cases were brought up for discussion, and that in 438 of these, the proposals were accepted. These Committees deal with a very great variety of subjects, and it will be seen from the above example that a compilation embodying the proposals, etc., on all railways would be a task of great magnitude, and I am afraid the labour involved would be out of all proportion to the value of the result.

OBJECT OF ESTABLISHING WELFARE COMMITTEES ON RAILWAYS.

1396. *Mr. Amar Nath Dutt: (a) Will Government please say why welfare committees have at all been established on the railways when there are employees' unions and associations duly registered under the Indian Trade Unions Act?

(b) Is it the intention of the railway authorities, by establishing these welfare committees, to crush the trade union movement and the legally formed trade unions?

Mr. P. R. Rau: (a) Government do not consider that the existence of employees' unions and associations renders welfare committees superfluous.

(b) Not at all.

GRANT OF FREE TRAVEL PASSES TO OFFICE-BEARERS OF TRADE UNIONS ATTENDING MEETINGS.

1397. *Mr. Amar Nath Dutt: Will Government be pleased to state whether the Agents of railways are instructed to grant the requisite facilities for organisation purposes, viz., free card passes to the office-bearers of the unions and free special passes and special leave to the members of the unions to attend their meetings as is done in the case of welfare committees? If not, why not?

Mr. P. R. Rau: Welfare Committees are domestic organisations of a railway administration and are composed of members of the staff only. They assist the administration by discussing and putting forward proposals

relating to the general amenities, grievances and conditions of employment of all employees of the Railway, and are in effect a part of the administrative machinery of the Railway and as such stand on a special footing. Trade unions cannot be regarded in the same light as they are independent organisations under independent control, with funds of their own.

DIFFERENTIAL TREATMENT IN THE SUPPLY OF CINDERS TO ANGLO-INDIAN AND INDIAN RAILWAY EMPLOYEES AT MORADABAD.

1398. *Mr. Amar Nath Dutt: (a) Are Government aware that the Divisional Superintendent, Moradabad, has issued a circular, No. 48-P. of 1929, dated 27th February, 1929, regarding the sale of cinders?

(b) Are Government aware that in the said circular the Divisional Superintendent has fixed the scale of cinders to be sold to European and Anglo-Indian employees at three maunds at any one issue, whereas for the Indian employees only two maunds?

(c) If so, will Government please state the reasons for this differential treatment in the supply of cinders?

(d) Are Government prepared to inquire into the circumstances, as a result of which two different scales of supplies have been fixed, and this racial discrimination maintained, when the Government has, all along, been saying that there was no racial discrimination?

(e) Do Government propose to issue clear and distinct instructions to the Agents of the railways against such racial discrimination being maintained?

Mr. P. R. Rau: Government have no information. I am making inquiries from the Agent, East Indian Railway and will communicate with the Honourable Member later.

APPOINTMENT OF TWO NON-INDIANS AS TRAFFIC INSPECTORS IN THE MORADABAD DIVISION.

1399. *Mr. Amar Nath Dutt: (a) Are Government aware that, in the Moradabad Division, two vacancies amongst the Traffic Inspectors fell vacant, but both of them were filled in by non-Indian employees, one by Mr. T. K. Railley, who was once declared unfit for the job of even an Assistant Station Master, and is a dismissed hand and the other by Mr. Pains. Guard?

(b) Will Government please state the circumstances under which no Indian could be appointed to any of these two posts?

Mr. P. R. Rau: I am making inquiries from the Agent and will communicate with the Honourable Member on receipt of his reply.

FREQUENT TRANSFERS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

1400. *Mr. V. V. Jogiah: (a) Will Government be pleased to state whether it is a fact that service associations have had occasion to protest against the procedure adopted by the Postmaster-General, Punjab and North-West Frontier Circle, in the matter of transfers?

(b) Will Government be pleased to furnish the House with a statement, showing the number of transfers made within the Circle, during the last two years?

(c) Do Government propose to institute an inquiry with regard to the transfers in the Punjab Circle with a view to the abolition of frequent transfers?

The Honourable Sir Bhupendra Nath Mitra: Government have no information on the number of transfers in the Punjab Circle during the past two years. The matter is entirely within the competence of the Postmaster-General and Government do not consider that any public purpose would be served by collecting the statistics asked for. A copy of the question will, however, be sent to the Postmaster-General, Punjab, for necessary action with reference to the suggestion that there is an excessive number of transfers in that Circle.

RE-APPOINTMENT TO THE PUNJAB POSTAL CIRCLE OF MEN DEMOBILIZED FROM THE NORTH-WEST FRONTIER FIELD FORCE.

1401. ***Mr. V. V. Jogiah:** (a) Is it a fact that Government held out an assurance that they would bring such men as had been attached to the Punjab Circle to the Circle again on demobilization of the North-West Frontier Field Force?

(b) How long have such men awaited re-transfers and when do Government propose giving effect to their assurance?

The Honourable Sir Bhupendra Nath Mitra: (a) If the Honourable Member refers to the case of telegraphists who were deputed on field service to Waziristan from different circles, but who are now serving in the Punjab and North West Frontier Circle, the answer is that no definite assurance is traceable, but the intention of Government is as suggested by the Honourable Member.

(b) I have not complete figures and the matter is under examination. A number of men have already been retransferred to their respective circles and the remainder will be retransferred as opportunities occur.

RATE OF HOUSE-RENT ALLOWANCE AND CONDITIONS OF GRANT OF FREE QUARTERS FOR THE STAFF OF THE TELEGRAPH OFFICE, NEW DELHI.

1402. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state the rate of house-rent allowance fixed for Deputy Superintendents, Telegraph Masters and telegraphists respectively at New Delhi?

(b) Will Government be pleased to state what specific conditions were imposed in each such case when the grant of rent-free quarters was made to the said officers?

(c) Are bachelors and married men treated alike in the matter of the grant and conditions relating to quarters? If not, what are the differing conditions in each case?

(d) Is it a fact, with regard to quarters, that a married telegraphist gets quarters and other considerations similar to those assigned to two bachelor telegraphists?

(e) Will Government be pleased to state whether a married telegraphist, namely, man and wife, are treated with regard to accommodation under the rules exactly like those having children? If not, what are the extra provisions made for them?

(f) Are Government aware of the fact that married telegraphists with children are put to the necessity of utilizing bathrooms as bedrooms?

(g) Are dining-rooms provided in each such set of quarters? If not, will Government be pleased to state reasons for not providing them?

(h) Is there an adequate provision for servants' lodgings made for each set of quarters?

(i) Will Government be pleased to state whether unfiltered water is supplied to these quarters free of cost, as in the case of other Government servants?

(j) Will Government be pleased to state whether they are fully satisfied that each class of officials gets a due share of comforts and accommodation for the rent charged as borne out by the rent ratio?

(k) Are Government prepared to consider the question of instituting an enquiry into the matter of housing accommodation generally?

The Honourable Sir Bhupendra Nath Mitra: (a) The staff mentioned do not receive house-rent allowances as all are provided with quarters at New Delhi.

(b) None, apart from those universally applied in connection with the payment of rates and taxes and the rent of service installations.

(c) Yes, except that additional accommodation is given to married men below the rank of Deputy Superintendent.

(d) Yes.

(e) No distinction is made in respect of the free accommodation allotted between married men with and without children. Persons, the size of whose family demands extra accommodation, are required to rent it at moderate rates.

(f) Government have no reason to believe that the case is as stated.

(g) A common mess room is provided for telegraphists without family. Quarters on the married scale have a dining room.

(h) Servants' quarters are not provided.

(i) Unfiltered water is supplied free for the upkeep of gardens and not to individual quarters.

(j) The quarters are rent-free and on an adequate scale for each class. Rent is only charged for excess accommodation supplied and on service installations under the Fundamental Rules.

(k) Government do not consider any inquiry necessary.

PERMANENT APPOINTMENT OF A SEASON INSPECTOR OF PEONS AT NEW DELHI.

1403. ***Mr. V. V. Jogiah:** With reference to the reply of the Honourable Member in charge of the Department of Industries and Labour to unstarred question No. 25-A. (1), answered in the Assembly on the 31st January of 1927, regarding the appointment of a season Inspector of Peons in New Delhi, will Government be pleased to state the reasons for not making this appointment a permanent one?

The Honourable Sir Bhupendra Nath Mitra: The reason is that the delivery work of the New Delhi Telegraph Office during the summer months does not justify the appointment of an Inspector of Peons.

NUMBER OF MUSLIM ENGINEERS, ETC., IN THE DELHI PUBLIC WORKS DEPARTMENT PROMOTED LAST YEAR.

1404. ***Mr. Anwar-ul-Azim:** 1. Is it a fact that in the Delhi Public Works Department the following are the code words for single and double annual increments?

- (a) Recommended in turn, (for single increment),
- (b) Recommended strongly (for double increment).

2. Will Government be pleased to state the number of Muslim engineers, subordinates, clerks, and draftsmen, who were given single promotion last year on the strong recommendation of their superiors?

The Honourable Sir Bhupendra Nath Mitra: 1. These are not exactly code words, but are terms used by officers in making their recommendations for the consideration of superior authorities. The expression "recommended in turn" implies the opinion that increments should be given in the normal course; the term "strongly recommended" may or may not be coupled with a recommendation that one or more premature increments be granted.

2. Two subordinates, three clerks and four draftsmen.

AMOUNT OF ANNUAL INCREMENT SANCTIONED LAST YEAR FOR CLERKS IN THE DELHI PUBLIC WORKS DEPARTMENT.

1405. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the amount of annual increment (per month) sanctioned last year for clerks of the Delhi Public Works Department?

(b) What was the number of clerks who were given annual increments last year in the Public Works Department in Delhi?

(c) What was the amount of annual increment sanctioned last year for subordinates of the Delhi Public Works Department?

(d) What was the number of subordinates who were given annual increments last year in the Delhi Public Works Department?

(e) What was the amount of annual increment sanctioned last year for draftsmen of the Delhi Public Works Department?

(f) What was the number of draftsmen who were given annual increments last year in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: (a) Rates of increment last year, as in other years, were Rs. 3, 4, 5, 8 and 10,

- (b) 143,
- (c) Rs. 7, 10 and 20,
- (d) 92,
- (e) Rs. 3, 4, 5, 8, 10, 20 and 30,
- (f) 77.

NON-PROMOTION OF MUSLIMS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

1406. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that the Superintendents in the Central Public Works Department Office, Delhi, are non-Muslims?

(b) Is it a fact that the petitions from Musalmans for appointments, and promotions are not put up by the office to the Chief Engineer, Delhi, on the existence of vacancies?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) No.

WORKS TO BE CARRIED OUT THIS YEAR BY THE PUBLIC WORKS DEPARTMENT, DELHI.

1407. ***Mr. Anwar-ul-Azim:** Will Government be pleased to state the name and the estimated amount of the works to be carried out this year in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to pages 491 and 822-830 of the volume containing the Demands for Grants for 1929-30 where he will find a list of works to be carried out by the Delhi Public Works Department in the current year, together with the estimated amount of the expenditure proposed.

RETENTION OF EUROPEAN ENGINEERS AND ARCHITECTS IN THE PUBLIC WORKS DEPARTMENT, DELHI, ON REDUCED PAY.

1408. ***Mr. Anwar-ul-Azim:** Is it a fact that some European engineers and architects have been compelled to accept reduced pay in the Delhi Public Works Department or to give up their appointments? If so, why?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative. As regards the second part, owing to the approaching completion of the construction of the New Capital, it is considered that the reasons for which special rates of pay were previously granted have ceased to exist.

NUMBERS OF MUSLIMS AND NON-MUSLIMS DRAWING SPECIAL PAY IN THE PUBLIC WORKS DEPARTMENT, DELHI.

1409. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the number of non-Muslims and Muslims getting special pay in the Delhi Public Works Department?

(b) What is the respective amount of special pay drawn by non-Muslims and Muslims in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: (a) Non-Muslims 29, Muslims 5.

(b) Non-Muslims Rs. 4, 5, 8, 15, 25, 30, 50, 75, 100, 150, 250 and 300. Muslims Rs. 4, 5, and 8.

EXCESSIVE COST OF MAINTENANCE OF THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT DEPARTMENT.

1410. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state whether it is a fact that the cost of maintenance of the Posts and Telegraphs Account and Audit Department is excessive, and whether steps are being taken to reduce the expenditure?

(b) Is it a fact that special pay is granted at Rs. 150 per mensem to the Personal Assistant to the Accountant General, Posts and Telegraphs, and at Rs. 50 per mensem, per head, to senior accountants and senior auditors in the Central Office and expatriation allowances at Rs. 50 per mensem to the accountants attached to the offices other than those in which they were originally recruited, whereas such allowances, at such high rates, are not sanctioned for the staff attached to the offices of the Accountants General in other provinces or departments?

The Honourable Sir George Schuster: With your permission, Sir, I will deal with questions Nos. 1410, 1411, 1415 and 1416 together.

Inquiries are being made and replies will be sent to the Honourable Member in due course.

NEGLECT OF THE CLAIMS OF MUSLIMS IN THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT DEPARTMENT.

†1411. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that no Muslim has been granted an advance increment since the introduction of the system in the Posts and Telegraphs Account Department?

(b) Is it a fact that all posts carrying special pay in the Posts and Telegraphs Account Department are being held by non-Muslims?

(c) Is it a fact that all posts of distinction in clerical service such as head clerkship of records and establishment clerkships, etc., are held by junior non-Muslim clerks ignoring the claims of senior Muslims in the respective offices?

NUMBERS OF MUSLIMS APPOINTED IN PAY AND ACCOUNTS OFFICES.

1412. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that, under the scheme of separation of accounts and audit, brought into effect under Mr. Raja Gopalan, special officer, Finance Department, several Pay and Accounts Offices have been established?

(b) If so, will Government furnish a statement showing the total number of posts of gazetted officers, other than members of the Indian Accounts and Audit Service, Subordinate Accounts Service, and clerical establishment, sanctioned for each Pay and Accounts Office separately, and the number of appointments filled in by Muslims under each grade and each office?

The Honourable Sir George Schuster: (a) Yes.

(b) The information is being collected and will be furnished to the Honourable Member as soon as it is ready.

APPOINTMENT OF MUSLIMS AS TREASURY OFFICERS IN THE UNITED PROVINCES.

1413. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that, under the scheme of separation of accounts and audit, the posts of Treasury Officers in the United Provinces held by the provincial Deputy Collectors, have been and are being offered to the members of the Subordinate Accounts Service?

† For answer to this question, see answer to question No. 1410.

(b) If so, will Government be pleased to furnish a statement showing the total number of such posts and the number of posts filled in by Muslims, and the number of posts held by the provincial Muslim officers before the introduction of the scheme?

(c) Will Government be pleased to state whether Muslim members of the Subordinate Accounts Service are not available from other Accounts and Audit Offices, in case the representation of Muslims is insignificant in the new posts?

(d) Have some probationary accountants been appointed under the Director of Audit, United Provinces, in place of accountants appointed in charge of treasury? If so, what is their number and how many of them are Muslims?

The Honourable Sir George Schuster: (a), (b) and (c). The recruitment of the Treasury Officers concerned is a matter which concerns the Government of the United Provinces, and the Government of India have no information on the subject.

(d) Inquiry is being made and a further answer will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF MUSLIMS TO THE NEWLY CREATED POSTS OF ASSISTANT ACCOUNTS OFFICER, SENIOR ACCOUNTANT, ETC.

1414. ***Mr. Anwar-ul-Azim:** Is it a fact that the newly created posts of assistant accounts officers, senior accountants, accountants, and auditors sanctioned under the scheme of separation of Accounts and Audit, have been filled in by transfer of experienced officers from other accounts offices? If so, have the claims of Muslims been duly considered in making such transfers?

The Honourable Sir George Schuster: Some of the newly created posts have been filled by men transferred from other Accounts Offices. In selecting those to be transferred the primary consideration was their qualification for the posts, and communal considerations were not taken into account.

EXPENDITURE INCURRED BY TRANSFER OF ACCOUNTANTS FROM DELHI TO NAGPUR AND CALCUTTA.

†1415. **Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state whether it is a fact that several local accountants and senior accountants were transferred from the Posts and Telegraphs Audit Office, Delhi, to Nagpur and Calcutta, retaining several Madras accountants in the Delhi office during the year 1927 and 1928, with the result that Government had to bear the cost of expatriation allowance at the rate of Rs. 50 per mensem for each accountant, as well as the cost of family travelling allowance allowed to the accountants so transferred from the offices in which they were originally recruited for public service?

(b) If the answer to part (a) is in affirmative, were the above arrangements based on any administrative grounds? Is it a fact that some of the local accountants and senior accountants referred to in part (a) have been or are being retransferred to Delhi in place of Madras accountants allowing them to draw family travelling allowance again?

† For answer to this question, see answer to question No. 1410.

(c) If the reply to part (b) is in affirmative, will Government be pleased to state the circumstances in which these retransfers have been made within such a short period, entailing expenditure to the State in the form of family travelling allowance to the officer concerned?

(d) If the transfers of accountants referred to in part (c) were not based on valid grounds, are Government prepared to take disciplinary action against the official responsible for such transfers in the first instance from Delhi to out station? In case there was justification, are Government prepared to take suitable notice against the official who sanctioned such retransfer?

TOTAL COST OF CODES REVISED IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†1416. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the total cost of the codes revised in the Office of the Accountant General, Posts and Telegraphs, under the supervision of Mr. S. P. Verma, special officer, together with the cost of forms revised in the supervision of an Assistant Accounts officer attached to the Office of the Accountant General, Posts and Telegraphs, Delhi?

(b) Will Government please state the total number of pages contained in the codes revised by Mr. S. P. Verma in the Office of the Accountant General, Posts and Telegraphs?

INCONVENIENT TIMINGS OF TRAINS TO DELHI FOR PASSENGERS ARRIVING AT SEALDAH BY THE CHITTAGONG MAIL.

1417. ***Mr. Srish Chandra Dutta:** (a) Are Government aware that passengers arriving at Sealdah by the Chittagong Mail of the Eastern Bengal Railway cannot catch any of the trains for Delhi immediately, and are detained in Calcutta for about 18 hours?

(b) Are Government prepared to order the alteration of the time of departure from Sealdah of No. 13 Up Sealdah-Delhi Express train so that passengers by the Chittagong Mail may avail themselves of the train for Delhi immediately on their arrival at Sealdah?

Mr. P. R. Rau: (a) Yes, but I understand passengers by the Chittagong Mail, who wish to proceed towards Delhi, can effect a convenient connection by changing at Naihati instead.

(b) I am afraid it is not possible for Government to take any part in the preparation of time tables, but I will send a copy of the Honourable Member's question and of my answer to the Agent of the East Indian Railway so that he may consider the point raised.

INCONVENIENCE CAUSED BY THE STOPPAGE OF BOAT TRAFFIC UNDER THE BRIDGES CONSTRUCTED ON THE KARIMGANJ-LANGAI VALLEY RAILWAY.

1418. ***Mr. Srish Chandra Dutta:** (a) Are Government aware of the very serious inconveniences caused to the public at large, and especially tea garden proprietors by the stoppage of all boat traffic under the bridges constructed on the Karimganj-Langai Valley Railway during the last flood

† For answer to this question, see answer to question No. 1410.

and the heavy damage caused to paddy and other crops by flood on account of the very inadequate number of waterways on the said Railway?

(b) Are Government aware that several memorials were submitted to the authorities by the local people for speedy removal of those inconveniences?

(c) What steps do Government propose to take for giving relief to the people concerned in these matters?

Mr. P. R. Rau: (a) Government are not aware of the inconveniences referred to or the damage mentioned.

Before commencement of construction, the question of waterways to be provided was referred to a special Committee on which the Local Government was represented, and bridges have been constructed according to the proposals of that Committee.

(b) No, but some petitions were received before the bridges were built.

(c) The Honourable Member's question is being referred to the Agent of the Assam Bengal Railway, on receipt of whose reply full information will be given to the Honourable Member.

HIGH RATE OF FARES ON THE HABIGANJ-SHAISTHAGANJ RAILWAY.

1419. ***Mr. Srish Chandra Dutta:** (a) What is the rate of third and intermediate class fares per mile on the Assam Bengal Railway and the Habiganj-Shaisthaganj Railway?

(b) If there be any difference in the fares of those two railways, will Government be pleased to state the reason for such unequal rates of fares?

(c) Are Government aware that much hardship is keenly felt by the public owing to the maintaining of a very high rate of fares on the Habiganj-Shaisthaganj Railway, and do Government propose to take early steps for a reduction of the same?

Mr. P. R. Rau: (a) The rate of third class fares on the Habiganj-Shaisthaganj Railway is 4½ pies per mile as compared with four pies on the main line of the Assam-Bengal Railway. The rate of intermediate class fares is the same on both lines, viz., five pies per mile.

(b) I understand the higher rate for third class fares was sanctioned in order to obtain a reasonable return on the capital expenditure.

(c) Government do not think that much hardship can be caused to the public on account of an extra half a pie per mile when it is remembered that the total distance of the branch is only eight miles. Moreover, before the opening of the Railway, the passenger fare by motor from Shaisthaganj to Habiganj was annas 12, whereas the third class fare by rail is now only annas three. A reduction in fares will be considered when the traffic develops sufficiently to justify it.

POPULATIONS OF MUSLIMS AND NON-MUSLIMS IN THE NORTH-WEST FRONTIER PROVINCE.

1420. **Maulvi Sayyid Murtuza Saheb Bahadur:** With reference to the last census statistics of the North-West Frontier Province, will Government be pleased to state the actual populations of the Muslims and Non-Muslims in that Province?

Sir Denys Bray: The figures for the five districts, which constitute the North-West Frontier Province proper are:

Muslims	2,062,786
Non-Muslims	188,554

LOW PERCENTAGE OF MUSLIMS EMPLOYED IN MINISTERIAL APPOINTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

1421. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Are Government aware that:

- (a) the Non-Muslim community enjoys preponderance in, and monopoly of, ministerial appointments in the North-West Frontier Province, and that the percentage of Muslims in that service is remarkably low, and
- (b) all ministerial appointments, carrying high pay and decent position, are monopolized by the non-Muslim element?

Sir Denys Bray: With your leave, Sir, I shall answer questions Nos. 1421—25, 1428—29 and 1431 together. The Local Administration has been consulted and I shall furnish the Honourable Member with answers as soon as I have collected the material.

REPRESENTATION FROM MUSLIMS OF PESHAWAR FOR DISCONTINUANCE OF RECRUITMENT OF NON-MUSLIMS IN THE NORTH-WEST FRONTIER PROVINCE.

†1422. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that the masses of unemployed educated Muslims of Peshawar submitted a representation to the Honourable the Chief Commissioner, North-West Frontier Province, through the Muslim Association, Peshawar, on the 16th August, 1925, requesting the discontinuance of recruitment of non-Muslims to the ministerial establishment in the Province? If so, what action was taken on the representation?

FIXATION OF A MINIMUM PERCENTAGE OF MUSLIMS TO BE APPOINTED TO MINISTERIAL SERVICES IN THE NORTH-WEST FRONTIER PROVINCE.

†1423. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that memorials had been submitted by the gentry of Kohat and Peshawar Districts to the Honourable the Chief Commissioner, in November, 1925, requesting the fixation of a proportion in the ministerial service in the Province, and, that in reply to a provincial address, the Honourable the Chief Commissioner stated in November, 1925, that he had contemplated the issue of some orders fixing a minimum and a maximum percentage of recruitment in the Province?

PERCENTAGE OF MUSLIMS RECRUITED TO CLERICAL SERVICES IN BOMBAY, MADRAS AND THE PUNJAB.

†1424. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that the Honourable the Chief Commissioner had been supplied by Local Associations with copies of orders issued by the Bombay, Madras, and Punjab Governments fixing a percentage of recruitment in the clerical establishment in their respective Provinces?

† For answer to this question, see answer to question No. 1421.

PROPORTION OF MUSLIMS RECRUITED TO THE CHIEF COMMISSIONER'S OFFICE, NORTH-WEST FRONTIER PROVINCE.

1425. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Will Government please state in what proportion Muslims are recruited at present in the Chief Commissioner's Office, and other civil offices in the North-West Frontier Province, and on what basis has the proportion been fixed?

PERCENTAGE OF MUSLIMS RECRUITED TO THE POLICE DEPARTMENT OF THE NORTH-WEST FRONTIER PROVINCE.

1426. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Is it a fact that a few years ago, the Honourable the Chief Commissioner of the North West Frontier Province had fixed 33 per cent. recruitment of non-Muslims in the Police Department of the Province?

(b) If so, will Government be pleased to state:

- (i) the basis on which the percentage was fixed;
- (ii) the special reasons which necessitated the fixation of the percentage mentioned above; and
- (iii) the reasons which demanded a special departure from the important and established policy of Government adopted by all Local Governments in India in respect of fixing communal representation in Government service, and which necessitated avoiding the fixing of a proportion during the past three years, asked for by the Muslim public, and contemplated by the Local Government?

The Honourable Mr. J. Orerar: (a) No such percentage has been fixed for recruitment of the police force as a whole, but it has been found desirable for administrative convenience to increase the number of non-Muslims in the police in urban areas to the percentage stated.

(b) Does not arise.

METHOD OF RECRUITMENT TO BE ADOPTED FOR THE CIVIL ACCOUNT OFFICE TO BE ESTABLISHED IN THE NORTH-WEST FRONTIER PROVINCE.

1427. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Is it a fact that a Civil Account Office is proposed to be established in the North West Frontier Province with effect from the 1st April, 1929?

(b) If the reply to part (a) is in the affirmative, will Government please state the total strength of accountants and clerical establishment sanctioned for the same; the strength of the establishment which is proposed to be taken from the Office of the Accountant-General, Punjab, and the number of clerks who are to be recruited locally?

(c) Will Government please state the number of Punjabi Muslims and non-Muslims proposed to be taken from the Accountant-General's Office?

(d) Will their transfer be only on deputation for a specified period till local officials are gradually trained to replace them?

The Honourable Sir George Schuster: (a) Yes.

(b) Total strength, 8 accountants and 69 clerks. The strength of the establishment proposed to be taken from the Office of the Accountant General, Punjab, in which Office the accounts of the North-West Frontier Province are at present kept, consists of 7 Accountants and 44 clerks. 17 clerks have so far been recruited locally in the Frontier Province and the recruitment has been carried out in consultation with the Chief Commissioner. The remaining posts will be filled mainly by trained men from other accounts offices.

(c) The numbers of Muslims and non-Muslims proposed to be taken from the Accountant General's Office are 19 and 32 respectively. Volunteers were called for and the communal composition is therefore merely the result of the voluntary response.

(d) The transfer will not be strictly on deputation, as the majority of the men will be transferred to Peshawar along with the posts held by them. The intention is, however, gradually to repatriate the staff recruited from the Punjab office, as far as this may be possible without detriment to the interests of Government.

CONDITIONS ON WHICH THE SERVICES OF THE ASSISTANT FINANCIAL SECRETARY, NORTH-WEST FRONTIER PROVINCE, WERE BORROWED FROM THE ACCOUNTANT GENERAL, PUNJAB.

†1428. *Maulvi Sayyid Murtuza Saheb Bahadur: Will Government please state the date from which, and the conditions on which, the services of the present Assistant Financial Secretary, North-West Frontier Province, were borrowed from the Accountant General, Punjab, and whether the conditions have not been fulfilled as yet? If not, why not?

PERCENTAGE OF MUSLIMS RECRUITED FOR THE OFFICE OF THE CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

†1429. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the Honourable the Chief Commissioner of the North-West Frontier Province has informally sanctioned 66 per cent. recruitment of Muslims in his own and other offices? If so, on what basis has the proportion been fixed?

RECRUITMENT, FOR THE CIVIL ACCOUNT OFFICE IN NORTH-WEST FRONTIER PROVINCE, OF MUSLIMS FROM OUTSIDE THE PROVINCE.

1430. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that Muslims from outside the Province are to be recruited for the new Civil Account Office?

(b) Will Government please state why the recruitment should not be made from among the Muslim population in the Province?

The Honourable Sir George Schuster: (a) Yes.

(b) The new office must have a nucleus of trained men, and it would be quite impossible to staff the office efficiently in the first instance if recruitment were confined to Muslims resident in the North-West Frontier Province.

† For answer to this question, see answer to question No. 1421.

Maulvi Sayyid Murtuza Saheb Bahadur: May I know if there are no qualified hands available at present among the Muslims in the North-West Frontier Province?

The Honourable Sir George Schuster: I have no information as to the exact figures available, but if there are any qualified men available; they will certainly be recruited.

APPOINTMENT OF A MUSLIM PERMANENTLY RESIDENT IN THE NORTH-WEST FRONTIER PROVINCE AS HEAD CLERK OF THE NEW DISTRICT OFFICE.

†1431. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that sanction has been accorded by Government to the formation of a new district with headquarters at Mardan, in the Peshawar District, with effect from the 1st April next?

(b) Is it also a fact that in all the five District Offices of the Province, and in the offices of the Honourable the Chief Commissioner, Judicial Commissioner, the Revenue Commissioner, the Irrigation Secretariat, the Police Department, the Deputy Commissioner, and the Peshawar Municipality, the Head Clerks and Head Assistants are almost all non-Muslims, enjoying a monopoly of the appointments from time immemorial?

(c) If the reply to part (b) be in the affirmative, do Government propose to appoint a Muslim, who is a permanent resident of the Province, as Head Clerk for the new District Office?

CHARGES FOR FOOD SUPPLIED IN RAILWAY REFRESHMENT ROOMS TO SUBORDINATE RAILWAY EMPLOYEES.

1432. *Lieut.-Colonel H. A. J. Gidney: (a) Will Government please state if it is a fact that, on the Bombay, Baroda and Central India Railway, Railway officials drawing much higher salaries, pay only six to eight annas more than subordinates for meals supplied in the refreshment rooms, and for food supplied on the dining cars, both officials and subordinates, pay the same amount?

(b) Are Government prepared to inquire into this matter and consider the question of lowering the charge for food supplied to the subordinate employees on this Railway?

Mr. P. R. Rau: Government have no information. I am sending a copy of the question to the Agent of the Bombay, Baroda and Central India Railway for any action he may wish to take.

REST ROOMS FOR SUBORDINATE INSPECTORS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

1433. *Lieut.-Colonel H. A. J. Gidney: (a) Is it a fact that, on the broad gauge section of the Bombay, Baroda and Central India Railway, there are barely ten rest rooms for subordinate Inspectors, and that some of these rooms are unfit for habitation?

(b) Is it a fact that there are 25 well-furnished rest houses for officials?

† For answer to this question, see answer to question No. 1421.

(c) Is it a fact that most officials have their own saloons, in which they live as a rule?

(d) Do Government propose to take steps to remedy this state of affairs, by providing habitable rest houses, and give up some of the unused official rest houses for the use of subordinates?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to this and the next two questions together. I am making inquiries from the Agent, Bombay, Baroda and Central India Railway, and will communicate with the Honourable Member later.

FAILURE TO APPOINT ANGLO-INDIANS AS ASSISTANT TRAFFIC SUPERINTENDENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†1434. ***Lieut.-Colonel H. A. J. Gidney:** (1) Is it a fact that, on the broad gauge section of the Bombay, Baroda and Central India Railway:

- (a) all the Probationary Assistant Traffic Superintendents are Indians and none of them are graduates?
- (b) the five Assistant Traffic Superintendents attached to the Head Office, Church Gate Street, are all Indians?
- (c) no Anglo-Indians or domiciled Europeans have recently been appointed to the permanent cadre of Assistant Traffic Superintendents?

(2) Do Government propose to inquire into the matter and remedy this differential treatment between Indians and Anglo-Indians, who, for purposes of Indianisation, are all Indians?

DIFFERENCE IN TREATMENT OF IMPORTED EUROPEAN EMPLOYEES AND LOCALLY RECRUITED ANGLO-INDIANS AND INDIANS.

†1435. ***Lieut.-Colonel H. A. J. Gidney:** (1) Is it a fact that:

- (a) the Agent of the Bombay, Baroda and Central India Railway has fixed the maximum pay of Station Masters and Traffic Inspectors at Rs. 600 per month?
- (b) the majority of the present incumbents of these posts are in receipt of a salary of Rs. 450?
- (c) not one of them is today in receipt of this maximum?
- (d) the majority of Loco. and other Foremen on the Bombay, Baroda and Central India Railway come out from England?
- (e) most of the Loco. and other Foremen are in receipt of salaries from Rs. 600 to Rs. 650?
- (f) only those employees who are in receipt of Rs. 475 and above are entitled to first class travelling allowance on this Railway?
- (g) most of the Station Masters and Traffic Inspectors, who are Anglo-Indians, domiciled Europeans, and Indians are therefore denied the privilege of ever drawing first class travelling allowance?

† For answer to this question, see answer to question No. 1433.

(2) Do Government propose to take steps to equalise the conditions of the two sets of employees, and do they propose to order the Agent to cease this discriminating treatment of his employees, especially between the imported European and the indigenous employee?

OPINIONS ON THE COASTAL RESERVATION BILL RECEIVED FROM CERTAIN PORT TRUSTS.

1436. ***Mr. Sarabhai Nemchand Haji:** Will Government please state if the opinions on the Coastal Reservation Bill, received from the Port Trusts at Calcutta, Tuticorin, Madras, Bombay and Karachi, represent:

- (i) the unanimous opinion of the Port Trustees?
- (ii) the opinion of the majority of the Port Trustees, and, if so, what is the opinion of the minority? and
- (iii) the personal opinion of the Chairman of each of the Port Trusts?

The Honourable Sir George Rainy: Government have no information beyond that contained in the opinions referred to.

Mr. Sarabhai Nemchand Haji: Will Government kindly make inquiries and communicate the result of those inquiries to me?

The Honourable Sir George Rainy: I believe, Sir, that these opinions were received when the Bill was circulated under the orders of this House, and I do not think it is the function of the Government to inquire from the bodies consulted by this House what the circumstances were in which their opinions were given.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS AT IMPORTANT TRADE CENTRES IN EUROPE.

1437. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state the nature of the action they have taken to follow their declared policy that Indian Trade Commissioners shall be appointed at important trade centres in Europe?

The Honourable Sir George Rainy: The Government of India have received proposals from the High Commissioner for India for the appointment of Indian Trade Commissioners at certain trade centres in Europe. These proposals are now under consideration.

SHORT NOTICE QUESTION AND ANSWER.

TREATMENT OF PERSONS RECENTLY ARRESTED UNDER SECTION 121-A. OF THE INDIAN PENAL CODE.

Diwan Ohaman Lal: With your permission, I beg leave to put the Short Notice question of which I gave notice. (1) Is it a fact that several persons arrested under section 121-A. of the Indian Penal Code were brought to Meerut in third class compartments?

(2) Will Government supply the names of those who were thus treated?

(3) Is it a fact that five annas, per head, per day, was the allowance provided for those arrested persons, who were brought from Calcutta, and that food and drink for 24 hours had to be purchased out of this sum?

(4) Is it a fact that, out of the first batch of 19 accused, which arrived at Meerut, 18 were kept in cell No. 6, with no protection from the heat and no convenience except a bare mat provided for each?

(5) Is it a fact that, after the first day, orders were issued by the Superintendent of the Jail, Colonel O'Neil, under which each accused was placed in a solitary cell?

(6) Is it a fact that the accused complained against this treatment?

(7) Is it a fact that Mr. Thengdi, as a result of the harsh treatment and lack of ordinary conveniences, actually fainted on the 23rd instant?

(8) Is it a fact that the food provided for the accused is the ordinary jail diet provided for convicted criminals?

(9) Are Government aware that a majority of the arrested persons are leaders of responsible trade unions, or prominent workers in the labour movement?

(10) Will Government state the reason for ordering the custody of the accused in separate, solitary cells?

(11) Will Government state whether it is a fact that I was not permitted to interview Mr. Jhabwalla, one of the accused?

(12) Is it a fact that the accused, apart from Mr. Jhabwalla, have objected to their being kept in solitary cells?

(13) Will Government state which counsel, and on what fees, have been engaged to conduct the prosecution of the conspiracy case?

The Honourable Mr. J. Orerar: (1), (2) and (3). Inquiries are being made, and the result will be communicated to the Honourable Member in due course.

(4) The 18 persons referred to are confined, not in cells, but in under-trial barracks, which are cool and well ventilated. They are supplied with bedding, blankets and the usual vessels.

(5) A few of the accused have been placed in non-association barracks, the door of each barrack being left open for light and ventilation. None of them is being kept in a solitary cell.

(6) No.

(7) No.

(8) The food supplied is on the scale prescribed for all under-trial prisoners in the United Provinces. It is being supplemented from private sources.

(9) It is a fact that a number of the arrested persons are officials in trade unions and connected with the labour movement.

(10) and (12). The Honourable Member is referred to the answer to part (5) above.

(11) My information is that this is not the case.

(13) Mr. J. W. Langford James and Mr. J. P. Mitter have been engaged to conduct the prosecution, the former on a daily fee of 60 gold mohurs and the latter on a daily fee of five gold mohurs.

Mr. K. Ahmed: In view of the fact that sufficient rations are not given, except what is available at the cost of five annas per day, to these prisoners, do Government propose to allow the members of the trade union and the supporters of these people, who have been arrested, and who are now under-trial prisoners, to supply sufficient food or give them the same facilities in the matter of food as are allowed to ordinary under-trial prisoners by their own people within the precincts of the jail?

The Honourable Mr. J. Orerar: That is a matter which the prisoners concerned may represent to the Court.

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a fact that barrack No. 6 is neither cool nor well ventilated?

The Honourable Mr. J. Orerar: My information is to the effect that all accommodation is cool and well ventilated.

Mr. A. Rangaswami Iyengar: May I know, Sir, what is the difference between these segregation barracks and solitary cells? The Honourable Member told us that certain people were put in separate segregation barracks. What is the difference between these separate segregation barracks and solitary cells? Is the difference only in nomenclature?

The Honourable Mr. J. Orerar: No, Sir. Certain accused have been accommodated in non-association barracks in order that the comfort and convenience of the accused as a whole may be best consulted.

Mr. A. Rangaswami Iyengar: The point I want to know is, so far as comfort and convenience are concerned, what is the difference between the non-association cells and solitary cells? In what sense are they different?

The Honourable Mr. J. Orerar: I think it will be necessary for me to ascertain precisely what the difference is if the Honourable Member wants to have further information.

Diwan Chaman Lall: Will the Honourable Member make further inquiries and see whether the information he has supplied about cell No. 6 is correct or not?

The Honourable Mr. J. Orerar: No, Sir; I am not prepared to make further inquiries, for this reason that it is open to any of the accused who has a complaint to make, to make it to the Court or to the Superintendent of the Jail.

Mr. A. Rangaswami Iyengar: Will the Honourable Member make inquiries and see that the accommodation in these separate barracks is of a character which is equivalent to the comfort and accommodation that is provided to other under-trial prisoners and that arrangements are made to give proper convenience to all these prisoners?

The Honourable Mr. J. Orerar: I am prepared to make inquiries on that point.

Diwan Chaman Lall: May I know, Sir, why some of the prisoners have been accommodated in non-association barracks?

The Honourable Mr. J. Orerar: I understand, Sir, that the accommodation was so arranged, as I have already said, in order that the comfort and convenience of the accused, as a whole, might be best consulted.

Diwan Chaman Lall: May I ask the Honourable Member to state the names of those who have been put in in separate cells?

The Honourable Mr. J. Orerar: I have no information on that point.

Diwan Chaman Lall: Will the Honourable Member get them?

The Honourable Mr. J. Orerar: No, Sir; as I have already explained, any individual accused is at liberty, if he feels that he has got any complaint to make, to make it either to the Superintendent of the Jail or to the Court.

Diwan Chaman Lall: May I ask the Honourable Member to state whether it is, as a matter of policy, that these people are placed in isolation barracks or whether it is for convenience?

The Honourable Mr. J. Orerar: I understand it is entirely a question of convenience.

Diwan Chaman Lall: May I know, Sir, whether one of these prisoners, Mr. Jhabwalla, ever asked to be placed in special barracks?

The Honourable Mr. J. Orerar: I have no information on that point.

Diwan Chaman Lall: Then how does the Honourable Member say that some of these people have been put in special barracks for their convenience?

Mr. A. Rangaswami Iyengar: May I know, Sir, whether any orders have been issued to the Superintendent of the Jail to put these people in separate cells and to see that these people do not communicate or converse with their fellow accused in the other cells?

The Honourable Mr. J. Orerar: These are matters which are entirely within the discretion of the Superintendent of the Jail.

Mr. A. Rangaswami Iyengar: I want to know whether, as a matter of fact, any instructions have been issued to the Jail Superintendent to prevent these people talking to each other?

The Honourable Mr. J. Orerar: No instructions to that effect have been issued by the Government of India.

Diwan Chaman Lall: Is it a fact that, for the first few days, when the first batch of accused were brought down to Meerut, they were all kept together in cell No. 6?

The Honourable Mr. J. Orerar: My information is that, on first arrival, certain of the accused were kept in cell No. 6.

Diwan Chaman Lall: Will the Honourable Member tell me whether 18 out of the 19 accused who were first brought to Meerut were kept in cell No. 6?

The Honourable Mr. J. Orerar: I understand that temporarily that was the barracks in which they were kept, but I also understand that it is very large, cool and well ventilated.

Diwan Chaman Lall: May I ask the Honourable Member whether, thereafter, any one of these 18 accused expressed a desire to be taken away from their fellow accused and placed in isolation barracks?

The Honourable Mr. J. Orerar: I have no information on the point.

Diwan Chaman Lall: Will the Honourable Member kindly inform me why he asserted that it was for the convenience of the accused?

Mr. A. Rangaswami Iyengar: May I know how many of these accused were brought to Meerut with handcuffs on?

Mr. K. Ahmed: Put that question to the Superintendent there.

The Honourable Mr. J. Orerar: I have no information on that point. I must ask for notice.

Mr. Gaya Prasad Singh: May I know why such treatment is being accorded to under-trial prisoners when their guilt has still to be proved in a Court of Law?

Diwan Chaman Lall: May I ask why there should be delay in answering questions 1, 2 and 3 regarding which information could very easily be obtained?

The Honourable Mr. J. Orerar: These involved communications with a considerable number of Local Governments and their replies have not been completely received.

Diwan Chaman Lall: Is it not a fact that the officer in charge, Mr. Horton, is in a position to give all the information to the Honourable Member?

The Honourable Mr. J. Orerar: No.

Diwan Chaman Lall: May I ask whether there is nobody at Meerut now to supply the Government with the necessary information in regard to all these questions?

(No answer was given.)

UNSTARRED QUESTIONS AND ANSWERS.

EXTENSION TO THE TELEGRAPH BRANCH OF COMBINED POST AND TELEGRAPH OFFICES OF THE SATURDAY HALF HOLIDAY AND POST OFFICE HOLIDAYS.

431. Mr. N. C. Kelkar: (a) Are Government aware that the half-holiday concession on Saturday, which is extended to the non-signalling branches of the Postal Department, is denied to the Telegraph Branch of the combined offices, resulting in nearly 15 days' extra service in a year from a signaller, as compared with the non-signalling staff?

(b) Are Government aware that the Telegraph Branch of the combined offices is not closed on most of the post office holidays and that the postal

signallers are required to put in regular hours of attendance on these days, exactly like any other working day of the year, with the result that they are required to work nearly eight days more in a year than the non-signalling staff?

(c) Are Government prepared to extend the Saturday concession and all post office holidays to the Telegraph Branch of the Post Office or grant extra remuneration for this extra service? If not, why?

Mr. P. G. Rogers: (a) Yes, but all the non-signalling branches do not get the half holiday either.

(b) Yes, but the same conditions apply to some of the non-signalling branches also.

(c) No, because the extension of the holiday concession to the Telegraph Branch would lead to public inconvenience and because the signalling staff do not, as a matter of fact, render any extra service.

GRANT OF A LOCAL ALLOWANCE TO THE STAFF OF THE DUZDAP EXCHANGE POST OFFICE.

432. **Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that several representations were submitted to the Director-General, Posts and Telegraphs, by the staff of the Duzdap Exchange Post Office in 1927? If so, what action was taken on them?

(b) Is it a fact that this grievance of the said officials was brought to the notice of the higher postal authorities in 1924, and that the latter promised to take up the question? If so, why has it taken Government five years to consider this question?

(c) Is it a fact that, at the time of the consideration in 1924, of the general question of granting local allowance to postal employees in Baluchistan and certain other places like Mirjawa in Persia, the staff of the Duzdap Exchange Post Office was overlooked? If so, why?

(d) Are Government aware that, owing to such differential treatment and the high expense of living, there is a growing discontent among the said officials?

(e) If the answer to parts (a) to (d) are in the affirmative, do Government propose to consider the desirability of granting a local allowance to the said officials with retrospective effect, so as to compensate them for the heavy loss continuously sustained by them during the last five years?

Mr. P. G. Rogers: (a) The facts are not quite as stated by the Honourable Member. There are two clerks on the time-scale of pay in the Duzdap Exchange Post Office, and one of them submitted two representations in 1927, praying for the grant of a local allowance. He was informed that his prayer was under consideration.

(b) and (c). Government have no information, but inquiries are being made, and the result will be communicated to the Honourable Member.

(d) Government are not aware of any growing discontent.

(e) The question of the grant of a local allowance will be considered in connection with the general revision of local allowances in the Sind and Baluchistan Circle, which is at present receiving my attention; but there can be no question of granting any such allowance with retrospective effect.

GRANT OF A LOCAL ALLOWANCE TO THE STAFF OF THE INDIAN EXCHANGE POST OFFICE AT DUZDAP IN PERSIA.

433. **Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that the clerks employed in the Indian Exchange Post Office at Duzdap, a place in Persia, do not get any local allowance?

(b) Is it a fact that the postal employees at Mirjawa, a place in Persia, are in receipt of local allowance since 1924?

(c) Is it a fact that the clerks of all the post offices in Baluchistan are drawing local allowance?

(d) Is it a fact that the staff of the British Consulate office and of other offices at Duzdap draw local allowance?

(e) Is it a fact that the prices of foodstuffs and other articles are very high and that living in that place is very expensive?

(f) If the answers to parts (a) to (e) are in the affirmative, will Government be pleased to state why the clerks of the Duzdap Exchange Post office have not been granted a local allowance?

Mr. P. G. Rogers: (a) Yes.

(b) Yes. In 1924 the Government of India sanctioned the continuance, subject to certain conditions, of the local allowance previously drawn by the postal staff of the Mirjawa Post Office.

(c) No.

(d) Yes.

(e) Government have no recent information.

(f) The Honourable Member's attention is invited to the reply just given to parts (d) and (e) of his unstarred question No. 432 on the subject.

STATEMENT LAID ON THE TABLE.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I beg to lay on the table a statement promised by Mr. A. A. L. Parsons on the 27th February, 1929, comparing the present estimated cost of the Kalyan Power House with the estimate originally laid before the Standing Finance Committee for Railways.

Statement comparing the present estimated cost of the Kalyan Power House with the estimate originally laid before the Standing Finance Committee for Railways.

Item No.		Original estimate.	Revised estimate.
		Rs.	Rs.
1	Steel buildings, cranes, boilers, pipework, fuel handling plant.	33,34,200	37,51,530
2	Turbo-alternators and transformers	20,63,400	21,65,660
3	Switchgear, internal cabling and accessories	9,18,000	12,31,036
4	Spare parts	2,08,070	2,09,300
5	Preparation of site, foundations, brick and concrete work, circulating water ways, etc.	26,36,000	47,03,955
6	General charges	5,80,750	6,19,500
	Total	97,40,420	1,26,80,981

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have at their meeting held on the 30th March, 1929, agreed, without any amendments, to the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to raise the import and excise duties on motor spirit, which was passed by the Legislative Assembly on the 28th March, 1929."

THE INDIAN COASTAL TRAFFIC (RESERVATION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. Sarabhai Nemchand Haji (Bombay Central Division: Non-Muhamadan Rural): I beg to move:

"That the instructions given to the Select Committee on the Bill to reserve the Coastal Traffic of India to Indian Vessels to present its Report before the 10th February, 1929, be withdrawn and that the Select Committee be instructed to present its Report on the 2nd April, 1929."

The motion was adopted.

Mr. Sarabhai Nemchand Haji: I beg to present the Report.

THE PUBLIC SAFETY BILL—contd.

Mr. President: Before I ask the House to resume debate on the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration, I should like to make a few observations as to the difficulty I feel, and I am sure the House must also feel, in the matter.

Since we met last, I have been at some pains to examine, study and compare the speeches made by the Leader of the House from time to time on the Public Safety Bill on the one hand, and the complaint lodged by the Crown against 31 persons in the Meerut Court. As a result of my labours, I have found that the fundamental basis for the Public Safety Bill is virtually identical with that of the case against the 31 accused. In one, the Member in charge asks this House, and in the other, the Crown will ask the Judge and Jury to hold that:

- (1) There is in existence a powerful propagandist organisation called "Communist International" in Russia whose aim is to overthrow and destroy the existing social and economic order, as well as all forms of Government throughout the world by a general strike and armed uprising in accordance with the programme which it has outlined.

(2652)

- (2) In 1920-21 the said organisation resolved to establish a branch in India, and in pursuance of that Resolution the organisation and its agencies are at work in this country in preparing, practising, and propagating the doctrines and pursuing the activities directed towards the end they have in view.

- (3) The movement in India has received a good deal of stimulus by the arrival of a foreign Communist named Campbell in 1925-26, who, for the first time, started a Workers and Peasants Party in India in a really active form, in pursuance of the programme of the Communist International, and after his removal from India, two other British Communists (who, I understand, are among the accused in the Meerut case) came, and have been continuously carrying on, in conjunction with an increasing body of associates (some of whom perhaps are among the accused in that case), incessant activities for over a year and a half in furtherance of the said programme.

Honourable Members are aware that the rules of business of this House provided that no question shall be asked, nor any Resolution moved, or motion for adjournment made in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions. It has been further provided by Standing Order No. 29 that a Member shall not be allowed, whilst speaking to any motion either on a Bill, or any other measure, to refer to any matter of fact on which a judicial decision is pending. To put it briefly, the House is not allowed to refer to, or discuss, any matter which is *sub judice* on the ground that any such reference or discussion might prejudice the pending case. The question, therefore, arises whether it is possible for this House to discuss the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration without referring to, or discussing any of the matters which are *sub judice* in the Meerut trial. I think there can be no two opinions that real debate on the Bill is not possible without extensive reference to, and discussion of, most of the matters that are *sub judice*. In fact, I am clearly of opinion that these are the only matters that could be relevant to the issues involved in the Bill, and anything else would, strictly speaking, be irrelevant. But under the Standing Order above referred to, the Chair would be bound to rule out all such reference and discussion, and this would make the debate on the Bill impossible. Perhaps the Chair might not mind some casual references here and there of some of those matters during the debate, but in this particular case it would be necessary for Honourable Members to make repeated references and also to discuss the merits of these matters. Besides, acceptance of the Bill would mean practically the acceptance of the fundamental basis of the case for it, and the rejection of the Bill would mean the rejection of that basis; and in either case such a course is bound to affect prejudicially the case for the prosecution or for the defence in the Meerut trial, as the case may be. I do not see how, in these circumstances, I can legitimately allow the Government to proceed further with this Bill at this stage. I am sure the unanimous opinion of the House is that we should say or do nothing here calculated to prejudice the Meerut trial one way or the other; and I have, in these circumstances, decided, instead of giving any ruling, to advise the Government themselves, in the first instance, to consider the observations I have made and the difficulties I have pointed out, and postpone the Bill pending

[Mr. President.]

the Meerut trial, or, if they attach greater importance to the passing of this Bill at this juncture, to withdraw the Meerut case and then proceed further with the Bill. I know the consideration of this question must naturally take some little time, and I have, therefore, decided to ask the Government to take up the consideration of the Trade Disputes Bill in the meantime.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): How can they do that?

The Honourable Mr. J. Crerar (Home Member): Mr. President, may I be permitted to make some observations on what has fallen from the Chair?

Mr. President: Does the Honourable Member wish to consider, in the Government as a whole, the suggestion that the Chair has made?

The Honourable Mr. J. Crerar: I am not quite clear as to what suggestion the Chair has made.

Mr. President: If the Honourable Member is not clear, I will read it again:

"I am sure the unanimous opinion of the House is that we should say or do nothing here calculated to prejudice the Meerut trial one way or the other; and I have, in these circumstances, decided, instead of giving any ruling, to advise the Government themselves, in the first instance, to consider the observations I have made and the difficulties I have pointed out, and postpone the Bill pending the Meerut trial, or if they attach greater importance to the passing of the Bill at this juncture, to withdraw the Meerut case and then proceed further with the Bill."

The Honourable Mr. J. Crerar: I am prepared, on behalf of Government, to consider the observations which you have made, but if that implies a suggestion that Government are prepared to accept the further suggestion that the Bill should be postponed, that is a suggestion which I regret, on behalf of Government, I am unable to accept.

Mr. President: Is that the decision of the Government? That means that the Honourable the Leader of the House is not prepared to place the suggestion made by the Chair before the Government as a whole and ask them to consider whether they should not postpone the consideration of this Bill.

The Honourable Mr. J. Crerar: I am prepared to submit for the consideration of Government the observations which you have made, but I wish to make it clear that the view of the Government is that it would be very detrimental to the public interest that the further consideration of this Bill should be postponed.

Mr. K. Ahmed: In the meantime the discussion will go on?

Mr. President: In any case the Chair, before giving its ruling on the question, will have the decision of the Government before it.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE TO ADVISE ON QUESTIONS RELATING TO EMIGRATION.

Mr. G. S. Bajpai (Secretary: Department of Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, will be nominated."

Mr. K. C. Roy (Bengal: Nominated Non-Official): I desire to oppose this motion, because, in my opinion, the constitution of this Committee is a great handicap on the work of the Central Legislature. Before I come to the point, I wish to describe the Committee as it is. Here we are asked today to elect a panel of 16. No self-respecting Legislature in the world will elect a panel from which the choice is to be made by the Executive Government. I am very glad that the Swarajist Members of this House do not participate in the panel, and I wish that the other Members would follow the lead. Then, Sir, what is the Committee going to do? It is not a Committee which is responsible to this Legislature. It is a purely departmental Committee, not even to advise the Governor General, but the Department of Education, Health and Lands on matters of emigration. This is the Committee to which we are asked to elect a panel today, and this is the Committee to which I take the strongest objection. Recent experience has convinced me that this Committee is a great handicap on the functions of the Central Legislature. I was once a member of this Committee, and the only function that we had to perform was to deal with the Ceylon emigration question. None of the big overseas problems ever came before this Committee to my knowledge. What has happened recently? We had a most momentous Report, which has been presented to the British Houses of Parliament. We have no cognisance of it in this House. It was taken through a back door—I say deliberately it was taken through a back door—to the Emigration Committee the decision of which is not put on the table of this House. The Report of the Hilton Young Commission is a most important but doubtful contribution to the solution of the East African problems, in which India is deeply interested. East Africa and the East African protectorates are the only places in the British Empire where Indians go freely and enjoy the rights of citizenship—except in Nairobi. The Report has a fundamental bearing upon the future of Indians as citizens of the British Commonwealth of Nations, and this Report has been taken by a back door to the committee, the decision of which is still unknown to us.

Then take the case of the Right Honourable Srinivasa Sastri. Mr. Sastri's mission to South Africa is a great personal achievement for him, but I ask has a single question connected with his mission ever come up before this House? What about the Cape Town agreement? Is Mr. Sastri's success due to it, or is it a personal triumph? The Cape Town agreement rightly or wrongly, is based upon a decision, which was taken by the Imperial Conference during the war, and that decision is that every community in the British Commonwealth of Nations has a right to the composition of its own population. What has happened since then? What is the net result of this decision? This decision was agreed to, on behalf

[Mr. K. C. Roy.]

of the Government of India, by Lord Birkenhead, the Maharaja of Patiala and Sir D. T. Chadwick. The net result is that an Indian is an undesirable citizen in most parts of His Majesty's self-governing Dominions. Whereas you find that the Russians, the Jews, the Poles and other nationalities, all enemy aliens, are welcomed, an Indian is treated as an undesirable alien, although he is a loyal subject of His Majesty, and is not welcomed as a citizen in any of His Majesty's White Dominions. Has this Committee ever reviewed the position? Now that Mr. Sastri has come, it is time that we reviewed the position. We should instruct our own delegates to the Imperial Conference to review the position, not in a spirit of hostility to the British Empire, but in a spirit of reciprocity and give and take, to promote a better understanding between our people and the other peoples over Indian overseas problems and for the sake of trade and commerce. Has anything been done by this Committee? I say, no. Now, Ceylon is trying for Dominion rule. What is going to happen to Indians there? Are they going to be restricted in the same way as in the White Dominions? Burma is also being misled to ask for separation and Home rule. What is going to happen there? That is a vital problem, so far as we are concerned, and the position should be reviewed by this House.

Then again, what is going to be the future of Indian emigration? The Agricultural Commission has made it clear that there is considerable pressure on agricultural lands. What are we going to do with our surplus population? Indians are allowed to emigrate to Fiji and Mauritius, British Guiana and other undesirable places while the British want to take away Burma from us. What is to be our future policy? Why should we not open emigration to South America and take our chance? These are the considerations that should be discussed by this House, and this House alone, and not by a Committee whose function is to advise the Department of Education, Health and Lands. I speak under some inconvenience because I was never prepared for this motion today and I dare say the House will support me.

***Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhammadan Urban): I cordially welcome the remarks that have fallen from the Honourable Mr. Roy on this question. As he has himself stated, the Congress Party has consistently refused to take any part in the election of a panel which it regards as derogatory to the dignity of any representative legislature. If we elect a committee, we want that election to go through. I do not think that any self-respecting Assembly will submit to its choice being made in a manner which will be corrected and be subjected to another choice by the Executive Government. Perhaps it was not well known to the House and to the public why it was that we did not take part in the election of the panels, and therefore I take this opportunity to make it clear that, on this and other occasions, when a panel has got to be elected by this House, the Congress Party will refuse to take any part in it. On that single ground I support my Honourable friend Mr. Roy.

Mr. G. S. Bajpai: Sir, my Honourable friend, Mr. K. C. Roy, said just now that he had a great measure of inconvenience in dealing with this motion. Perhaps I would be permitted to state that I am at a greater disadvantage in meeting the remarks which he has made, because—

*Speech not corrected by the Honourable Member.

I was not prepared that a general debate would be raised on a motion which, within my experience of this House, has never been opposed in the past.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): It has been opposed in the past.

Mr. G. S. Bajpai: I said "within my experience of the House".

Mr. A. Rangaswami Iyengar: It was opposed during the time of your predecessor.

Mr. G. S. Bajpai: The Honourable the Leader of the Opposition, Pandit Motilal Nehru objected to this motion on the ground that he is not in favour of the principle of electing a panel on which the Government exercise, as it were, a selective influence, or in regard to which Government use a selective discretion. With regard to that point, I should like to say, Sir, that this question has been, according to my recollection, raised in the past, and the vote of the House was in favour of continuing this practice.

Mr. A. Rangaswami Iyengar: Not always.

Mr. G. S. Bajpai: My recollection is that, in September 1927, when my Honourable friend the Member in charge of the Department of Industries and Labour, made a motion for the election of a panel from which members of the Advisory Committee to advise on labour questions would be elected, Mr. Neogy raised this question of direct election. The whole question was carefully considered on that occasion and debated at length and, as I said, the verdict of the House at that time was that the present system should continue.

Mr. A. Rangaswami Iyengar: There were other occasions when it was carried.

Mr. G. S. Bajpai: I am merely trying to state, at this stage, the position reached when this question was last raised in the House. The verdict then was that the present procedure should continue. My Honourable friend, the Leader of the Opposition, has now revived the question of election direct *versus* election of a panel. Well, Sir, that is a question of general importance. It is not a matter of importance to the Department of Education, Health and Lands only but to the Government of India as a whole, and naturally, I cannot be expected to make a pronouncement upon that question. There are, however, one or two remarks more germane to the work of this Committee, which fell from my Honourable friend Mr. K. C. Roy, to which I think I must take exception.

The first point I wish to take is, regarding his statement, that no important question had been referred to the Standing Emigration Committee. My recollection is that

Mr. K. C. Roy: May I interrupt the Honourable Member? What I meant was that, during my experience, no important matter was referred to the Committee.

Mr. G. S. Bajpai: In 1925 I remember an occasion when the Standing Emigration Committee considered the recommendation made by no less a body than the Colonies Committee, of which my Honourable friend Mr. K. C. Roy was a member. That recommendation was for sending from

[Mr. G. S. Bajpai.]

India an officer to investigate certain areas of land in Kenya, in order to consider whether those areas should be settled by Indians. Mr. Roy, I admit, was not a member of the Committee at the time, because, when the election took place, either Mr. Roy did not offer himself, or he was not in the country. But, in any case, he was invited to be present at this meeting of the Standing Emigration Committee. Now that question was of fundamental importance and illustrates that the Standing Committee on Emigration is by no means a Committee which is called upon to consider questions of purely secondary importance. On another point of fact, I would carry the memory of the House back to 1924, when the South African problem was very acute and when the Government of India took the Standing Emigration Committee completely into their confidence. The action which was taken by Government then, namely, the sending out of a deputation to South Africa for certain purposes, was taken on the advice of that Committee. I will not disclose the details of what transpired in the Standing Emigration Committee, because the proceedings of the Committee are confidential, but I think it is a known fact that, on that occasion, the Honourable the Leader of the Opposition, Mr. Muhammad Ali Jinnah, and other prominent Members of this House were invited to attend the meeting of the Standing Emigration Committee.

Here is the position, Sir. When it is a question of land settlement in East Africa, we consult the Standing Emigration Committee; when it is a question of considering such problems of delicacy and national importance as the position of Indians in South Africa, we consult the Standing Emigration Committee.

Mr. K. C. Roy: You ought to consult the Legislature and not the Standing Emigration Committee.

Mr. G. S. Bajpai: Next, we have a very recent instance of the attitude of the Government of India towards this Standing Emigration Committee, namely, the procedure adopted for consideration of the Hilton Young Commission Report. His Excellency the Viceroy, in his inaugural address to the Legislative Assembly, stated that the whole Report and the question of the attitude to be taken up by the Government of India in regard to that Report would be considered by the Standing Emigration Committee. If, Sir, this catalogue, which is by no means exhaustive, of the confidence reposed by the Government of India in the Standing Emigration Committee, is proof of the neglect which is shown by the Government of India towards the Standing Emigration Committee, then I fail to see in what other manner the Government of India could show their confidence and trust in the Standing Emigration Committee.

Then, Sir, it is stated that the Standing Emigration Committee was called upon to consider—or that the Report of the Hilton Young Commission was placed before it by a back-door. I fail to see how that expression can be used in connection with the conduct of Government in regard to this particular case. As I stated just now, when His Excellency the Viceroy addressed the Assembly, he said that the intention of the Government was to place the Report before the Standing Emigration Committee. Later on, when we thought that it was desirable to have not merely the views of the members of the Standing Emigration Committee, but also of prominent Members of this House, of men of all shades of opinion in this

House, on this important document, what did we do? We expanded the Committee, and I think Mr. K. C. Roy was one of the Honourable Members of this House whom we asked to take part in the deliberations of this Committee.

Now, Sir, as I said, the discussions of this Committee are, under the rules, confidential, and therefore I do not propose to go into the details of what this Committee did. But I should be surprised if any member of the Committee present in this House, or any of the other Members of the House who are not members of the Committee, but who attended the meetings of this Committee, would say that the Government did not show the utmost measure of confidence in the Committee or that the conclusions reached by this Committee were of such a nature that any Honourable Member of this House could take exception to them.

Then, Sir, comes the question of publicity. The Government have not placed the recommendations of this Committee on the table of the House. I am the last person in the world, and I think Government would be most reluctant, with regard to any overseas question, to adopt the attitude of "hush-hush" deliberately, or to ignore the views and wishes of this House, or not to take them into their confidence. But, Sir, my Honourable friend Mr. Roy, who has himself been to England as a member of the Colonies Committee, knows the difficulties and the delicacy of these negotiations—negotiations not with a Provincial Government, but with an outside Government, and with Governments in other parts of the Empire. When he realises that any unconscious act of indiscretion might lead to serious difficulties, he ought to recognise that the recommendations of a Committee affecting the future negotiations of the Government of India about the recommendations of the Report cannot, consistently with the public interest, be placed on the table of this House. It is not, however, the case that there is any intention on the part of the Government to hold back the proceedings of the Committee from the Members of this House. I am prepared, here and now, to give the House an undertaking that, if Honourable Members will undertake to keep the proceedings of the Committee confidential, I am prepared, to circulate them to all the Members of the House.

Then I come to the question that we have not been given an opportunity, or we have not had an opportunity, of discussing the Report. Well, Sir, when the suggestion was made to me privately early in the session that the Members would like this Report to be discussed on the floor of the House, I said that there was no intention or desire on the part of the Government to burke discussion, but that in view of the voluminous nature of the Report, the comprehensive nature of the Report, the wide ground covered by the Report, it was only right and proper to meet and consider the recommendations of the Report, first in a small body, and later on, if there was any desire on the part of the House to have the Report discussed, Government would do everything in their power to meet the wishes of the House. And, I think I am stating the position correctly, I say that, when the Honourable the Party Leaders met the Honourable the Leader of the House and arranged to take certain matters out of turn for purposes of discussion in this House, Emigration was one of the items selected to be discussed out of turn. It was hoped that this question would be discussed on the floor of this House. Government can hardly be blamed for the Demand not being reached. It is not fair to say that, thereby Government

[Mr. G. S. Bajpai.]

have been burking discussion of the Report, or had deliberately intended to conceal from the House what they intended to do in the matter, or on other matters of moment.

Then my Honourable friend referred to the Cape Town Agreement, and to the emigration policy of the Government of India. I have, as it happens, with me now, a letter on the latter subject. If Sir Darcy Lindsay will permit me, I will allude not to the details of his letter, but to the main suggestion. The main suggestion in this letter is that, having visited Brazil over a year ago, he thinks that the Standing Emigration Committee, —which my Honourable friend said that no self-respecting Member should touch with a barge pole,—that this Committee should consider the question of emigration to Brazil and other parts of the world, where we can possibly discharge our redundant millions. That is hardly proof of a general feeling on the part of this House that the Standing Emigration Committee will not consider questions of this moment if they are brought before it. My Honourable friend, as I have said already, referred also the Cape Town Agreement. The budget discussion has passed; days allotted for non-official Resolutions have passed; did my Honourable friend wish to discuss any aspect of the Cape Town Agreement then? There has certainly been no reluctance on our part to do so. In brief, Sir, I think, it is not altogether fair to either the Standing Emigration Committee, or to the Government to raise these general questions at a stage when we are bringing before the House a motion to elect a Committee, just as we have been doing for the last five years or more; a Committee which is one of the most useful committees that has ever functioned. While the rules relating to this Committee say that the Committee may discuss questions which are placed before it by the Member in charge of the Department, our policy has been to leave it to every member of the Standing Emigration Committee to raise any particular question he likes. I regret that my Honourable friend, Sir Purshotamdas Thakurdas is not in his seat at the present moment to substantiate what I say. If he had been here, he would have stated that only last year he raised certain questions relating to the general emigration policy of Government. We allowed him to do it. Of course it is not for me to compel the House to elect the panel; but I merely appeal to the House, in the light of past experience—and I hope that Honourable Members of the Committee who are at present in the House will bear me out in all I have said—I would earnestly appeal to the House not to lose the opportunity of helping us to keep in touch with them during the next few months, which may be big with important events in East Africa, and when questions which the House recognises are of national importance and which my Honourable friend, Mr. Roy, says should not be discussed by Government with the only organ of the Legislature which, under the rules, is capable of discussing them, are likely to come up.

Mr. President: The question is:

"That this Assembly do proceed to elect, in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members, from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, will be nominated."

The Assembly divided:

AYES—45.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Hussain Shah, Sayyed.

Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rai, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Schuster, The Honourable Sir George.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Tirloki Nath, Lala.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—41.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Ismail Khan, Mr. Muhammad.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rahimtulla, Mr. Fazal Ibrahim.
Ranga Iyer, Mr. C. S.
Roy, Mr. K. C.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr.

The motion was adopted.

Mr. President: Sir Bhupendra Nath Mitra.

Diwan Chaman Lall: Before the Honourable Member proceeds with the Trade Disputes Bill, may I put him one question?

Mr. President: Order, order. No Trade Disputes Bill now. The Honourable Member must follow the agenda.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE TO ADVISE ON MATTERS RELATING TO ROADS.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move:

"That this Assembly do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C., dated the 30th January, 1924, a panel consisting of 12 members from which 6 Members of the Standing Committee to advise on matters relating to Roads will be nominated."

Sir, this motion is intended to give effect to a specific recommendation in the Report of the Indian Road Development Committee, 1927-28. That recommendation is contained in paragraph 96B (10) (b) of the Report to which I have referred. I recognise, Sir, with a certain amount of regret, that my motion also comes under the ban of the dictum of my Honourable friend, the Leader of the Congress Party. But, Sir, I have no help. This Committee, from the Report of which I have quoted, included three Members of this House who belonged to his Party, and in spite of that fact, they made this unanimous recommendation, namely that a Standing Committee of the Indian Legislature for roads should be appointed similar in constitution and functions to other departmental standing committees, which would advise the Governor General on all matters relating to roads. That being so, I have no option but to bring this motion before the House.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): That does not mean that they approve of the principle of panel.

The Honourable Sir Bhupendra Nath Mitra: I have already quoted what they say, that it is similar in constitution to other departmental Standing Committees. The constitution of departmental standing committees provide for a panel and for selection from that panel.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Do the Standing Finance Committee and the Railway Standing Finance Committee contain such a provision for panel?

The Honourable Sir Bhupendra Nath Mitra: That is a different matter. I have not overlooked the particular point to which reference has been made by the Deputy President of the House. But this is what the Indian Road Development Committee have stated:

"A Standing Committee of the Indian Legislature for roads should be appointed similar in constitution and functions to other departmental standing committees, etc., etc."

Maulvi Muhammad Yakub: What do the Public Accounts Committee and the Standing Finance Committee contain?

The Honourable Sir Bhupendra Nath Mitra: It was open to that committee to have said that a committee should be appointed similar in constitution and functions to the Standing Finance Committee or the Public Accounts Committee.

Mr. Fazal Ibrahim Rahimtulla: They mean that.

The Honourable Sir Bhupendra Nath Mitra: I must accept the Report as it stands. As it is, those two Committees are not departmental standing committees. The Report clearly use the words departmental standing committees. That being the position, I have no option but to move this particular motion.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Will the Honourable Member kindly explain why he thinks that the wording "constitution" provides a procedure by which this Committee will be constituted? The word "constitution" simply means that it shall consist of members of the Assembly, as other committees do. It does not necessarily lay down that the procedure shall be by a panel, and after having heard the objections of members to be elected to a panel, I think the Government should recognise the validity of the objection and agree to only having members directly elected.

Mr. President: Order, order. The Honourable Member will have an opportunity of speaking afterwards, if he wishes.

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, as my Honourable friend, Pandit Madan Mohan Malaviya has mentioned his point, I think I can answer it straightaway without waiting for a separate speech from him. (Laughter.)

Mr. K. Ahmed: That means another two hours!

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, I have got to weary the House by quoting again from this particular recommendation. The recommendation runs as follows:

"A Standing Committee of the Indian Legislature for Roads should be appointed, similar in constitution and functions to other departmental standing committees."

Now, Sir, what is the constitution of the other departmental standing committees? I am not talking of a committee like the Standing Finance Committee, or the Public Accounts Committee, which are not departmental standing committees. The constitution is that the Governor General in Council selects a certain number of members from a panel elected by this House. That, Sir, is the constitution. (Honourable Members: "No, no.") It is quite obvious that that is the constitution. There is not a single departmental standing committee which is elected outright by this House. In the case of all these departmental standing committees, nominations are made by the Governor General in Council out of a panel elected by this House. Sir, that is the position in regard to departmental standing committees. If the Roads Development Committee did not envisage that constitution, nothing prevented them from making it clear that they wanted this particular standing committee to be elected outright by this House; and as I have already said, the actual recommendation is the unanimous recommendation of the Indian Roads Development Committee, which has been subscribed to by all the Members in this House who

*Speech not corrected by the Honourable Member.

[Sir Bhupendra Nath Mitra.]

were Members of that Committee, including those belonging to the Congress Party and to the Nationalist Party. If it is the desire of this House that that particular Committee should be constituted in a different manner, the House will undoubtedly have an opportunity of saying so later on, because one of the recommendations of this Committee is that a sort of convention should be established to lay down the rules, etc., under which the expenditure should be controlled. When this House is discussing that convention, it would undoubtedly be open to the House to have the constitution of the standing committee altered. But for the moment, I am bound to be guided by the recommendation of the Indian Roads Development Committee, as it stands.

Maulvi Muhammad Yakub: May I know, Sir, if this Report was laid before the House, and the House had an opportunity of discussing the Report?

Honourable Members: No.

The Honourable Sir Bhupendra Nath Mitra: No, Sir. Well, Sir, I have nothing more to add in regard to my motion, and I move it.

Pandit Madan Mohan Malaviya: Sir, I am sorry that my Honourable friend, Sir Bhupendra Nath Mitra, has taken the narrow view that the use of the words "constitution" and "functions" here means that the very procedure which is followed in the election of members to the other departmental committees should be followed in this case also. The utmost that he could say was that there was no clear indication either way—that it did not either prescribe that the procedure shall be the same, or that the procedure shall be otherwise. That, I submit, would be a fair position to take up; but I think my Honourable friend has gone too far in asking this House to take it that the procedure by which members are to be elected has been included in the word "constitution" used there. I submit, Sir, there is reason why, if it is open to the other interpretation, the Government should accept that interpretation. We do not like, as we have shown by the last vote, to be elected to a panel out of which we are to be selected for appointment as members of any committee. I hope, so far as the popular parties consisting of the representatives of the people are concerned, we shall refuse entirely to be elected as members of any panel out of which we are to be selected for appointment to any committee. It hurts our self-respect that we should lay ourselves open to be selected out of many. I therefore think, Sir, that, having this clear indication of the view of this side of the House, the Government ought to respect this feeling. We are willing to offer co-operation where it is invited, but the co-operation should be asked on terms as honourable to this side as to the other side. If the other side thinks that, after this House has recommended a certain number of Members of this House by election, the Government Member, or some one else on behalf of Government, should still exercise his choice to weed out certain members and to pick up certain others because in his opinion some of us have greater fitness or suitability to be members of the Committee, we must thankfully decline the offer. If, on the other hand, the Members on the other side recognise that, when they want our co-operation, they must

invite it and accept it on terms honourable to us also, then we are quite willing to co-operate with them. I submit that, as there is nothing in the rules to indicate that the very procedure, which my friend presses for, has been provided, or was in the minds of those who made the recommendation, the Government ought to accept the wish of the House and respect it and ask the House to elect just that number of members as is necessary to be elected by the Assembly for sitting on the Committee in question. My Honourable friend said that it is open to the House to discuss this matter later; I do not think so. The Report itself has not been laid before the House, as I understand from the answer given just now. If it has not been laid before the House, that is a greater reason why the wishes of this House ought to be respected by the Government. If the Honourable Member does so, we shall be very glad to co-operate; on the other hand, if my Honourable friend should insist upon following the procedure which he has mentioned, then, personally speaking, I think this side of the House is not likely to co-operate with the Government in this matter.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I am sorry I had no opportunity of speaking on the last motion. I am afraid I am personally responsible for much of the misery that is being caused to this House and the Government by the constitution of these departmental committees. In so far as the constitution of the Roads Committee depends upon the constitution of the departmental committees, I want to say a few words, just to indicate the position of this House in regard to this matter. Sir, it was as a result of a Resolution which was moved by me in the first Assembly, I think in the year 1922, that these departmental committees came to be appointed. My motion was for elected committees of this House, to be associated with the various departments of Government for considering important departmental questions that came up from time to time. That motion of mine was stoutly opposed by the Government, and it was carried by a division of the House. So that, the decision of the House, which is on record, is that all these committees should be wholly elected by this House ("Hear, hear"). It is true no doubt that on a subsequent occasion, when I opposed the constitution of these committees, the House did not support me; but the issue then raised was quite different from the issue of the manner of the constitution of the committees. Because, on that occasion, I raised a protest against the non-utilisation by Government of these committees, and I pointed out that these committees were not functioning in the way in which they were expected to function. That was the only issue that I put before this House; and the decision of this House on that issue was against me.

Now, Sir, my Honourable friend, the Labour Member, has tried to make a distinction between the departmental committees and the Standing Finance Committee. I submit, Sir, that the Standing Finance Committee is as much a departmental committee—attached to the Finance Department—as any other departmental committee. There is no other departmental committee to the Finance Department. So far as the Public Accounts Committee is concerned, it is a statutory body. Its functions and constitution are defined in the Government of India Act and the Rules. So far as the Standing Finance Committee is concerned, it is a creature of the Government of India itself, and I do not see any reason

[Mr. K. C. Neogy.]

why a distinction should be drawn between the Standing Finance Committee and the other departmental committees in the way in which the Honourable the Labour Member has sought.

Then, again, Sir, he has referred to the fact that three Members of the Congress Party are signatories to this Report, and he has drawn the conclusion that they stand committed to the principle of this mixed election and nomination. As far as I am aware, the Congress members, by their rules, are precluded from serving on such committees, because of the element of nomination involved; and so far as the Congress Party is concerned, I must say that they have consistently protested against the manner in which the Government have practically defied the decision of this House in regard to the constitution of these departmental committees. It cannot be supposed that, when the three Members of the Congress Party put their signatures to this Report, they meant to say that this Committee should be constituted in a manner which would preclude members of the Congress Party from serving on it

Mr. K. Ahmed: (Rajshahi Division: Muhammadan Rural): But they have got no fixed principle, have they? (Laughter.)

Mr. K. C. Neogy: I think my Honourable friend should be the last person to raise this point about any one having no fixity of principles. (Laughter.) Now, Sir, it would be opposed to common-sense to suppose that these members of the Congress Party intended to preclude themselves from serving on the proposed Committee by endorsing the manner of election which has been adopted by the Government in regard to other departmental committees.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, I think that it is but fair that I should take this opportunity of making a statement to the House, as I happened to be the Chairman of that Committee, as to what matter was before the Committee when that recommendation was made. The point before the Committee then was that the representatives of this Legislature should have an opportunity of controlling the expenditure, and thereby the policy, relating to all-India roads, as mentioned in our Report. I am bound to say, in fairness to the Committee, that this specific question which has now, in this debate, assumed great importance,—whether the committee of the Central Legislature should be formed out of a panel or by direct election, by this House—was not the question before the Committee then. I will go further and say that, if our attention had been drawn at that time by those members of my Committee who represented the official point of view, to the fact that the word “departmental” necessarily meant a committee formed out of a panel and not by direct election—I say that if that point had been brought to our attention and our opinion invited on it, then—speaking for myself and for those who hold my view, there is no doubt that we would have said that we would prefer the method of direct election. I have a very clear recollection—and I think those who served with me on this Committee will bear me out—that all the while we intended to have a committee of this House similar to the Standing Finance Committee, which would control expenditure. I recognise we are bound by the implications of the word “departmental”. If the Honourable the Labour Member is absolutely sure that the word “departmental”

means only, and cannot mean anything else than, a committee selected out of a panel, then the thing stands on a different footing. But if it is not so, and the word “departmental” does not necessarily mean a committee of the description that the Honourable the Labour Member has in view, but that it can include a committee like the Standing Finance Committee of this House, then I submit, Sir, that the mere word “constitution” used in our Report does not exclude a committee elected by this House. I am, however, bound to state once more before this House that this specific point of detail was never before my Committee.

***Diwan Chaman Lall** (West Punjab: Non-Muhammadan): Mr. President, I rise to support what Mr. Jayakar has said. I happened to be one of the three Honourable Members mentioned by the Honourable Sir Bhupendra Nath Mitra, who, from this side of the House, represented the Congress Party on this Roads Committee. I have not, during the period that I served on that Committee, any recollection of any discussion or any suggestion being made that the members of the committee to be set up hereafter were to be selected in the manner now suggested by the Honourable Sir Bhupendra Nath Mitra. On the contrary, it had always been understood that this roads department should first of all be part and parcel of the Railway Department; and we know that the method of electing committees to the Railway Department is not the one suggested by the Honourable Member, but a different one, and it was on that basis that a committee was suggested. Furthermore, I do not know that any Member of the Roads Committee was aware that the suggestion that was put forward in those particular words, because, as Mr. Jayakar has quite rightly said, if an implication of that character had been brought to the notice of the Members, they would never have put their signature to the Report as it stands at the present moment. I happen to be one of the Members—and I want to correct the Honourable Sir Bhupendra Nath Mitra here—who never signed the Report, for the simple reason that it was not forwarded to me in time for me to sign it. I dare say that, if I had received the Report, I would, if the matter had been brought to my attention, have pointed the discrepancy out myself; but it is obvious that no member of the Committee that I am aware of, had the intention which is sought to be read into the wording of the Report as it stands today; and if they did not have that intention, and if their intention had been as it has been presented now by Mr. Jayakar, who was the Chairman of that Committee, then is it not up to the Government to respect the wishes of the Members of the Committee which have been clearly placed before the Honourable Member, and give up the idea of selecting six out of twelve Members from this House and proceed to the election of a committee on the same lines as the election of the Standing Finance Committee? I submit that, if effective emphasis is to be laid on the recommendations of the Roads Committee, and a committee is to be chosen, then all parts of the House should be elected on that Committee. With the procedure that is now sought to be followed by the Honourable Member, it is obvious that Members on this side of the House will not be parties to any committee which is set up for the purposes of road development; and if that is so, what is the use of setting up a committee of the nature that the Honourable Member is desiring to set up? Under these circumstances I would ask him to review his

*Speech not corrected by the Honourable Member.

[Diwan Chaman Lall.]

decision in this matter and proceed to the election of a Committee which would be elected by the Members and not selected by the Government out of a panel to be chosen by this House

The Honourable Sir Bhupendra Nath Mitra: Sir, my friend, Mr. Neogy, tried to establish the fact that the Standing Finance Committee is as much a departmental Standing Committee as any of the other committees to which I referred. My friend overlooked the fact that the Standing Finance Committee is not a Committee of the Indian Legislature, but a committee of the Legislative Assembly alone. In fact the expression which occurs

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): The point is whether it is statutory.

The Honourable Sir Bhupendra Nath Mitra: The words which occur in this Report are definite. The Report says "Standing Committee of the Indian Legislature" and therefore it is more in accord with the departmental committees about which we are aware, and which are formed out of a panel, for one of which my friend Mr. Bajpai, moved earlier today.

Mr. K. C. Neogy: May I point out to my Honourable friend that the reason why the other House is excluded from the privilege of sending Members to the Standing Finance Committee is, I think, that the main function with which the Standing Finance Committee is concerned is in connection with the voting of funds, with which the other House has absolutely no concern. That is the only reason why the constitution of this departmental committee differs from the constitution of other departmental committees.

The Honourable Sir Bhupendra Nath Mitra: I was fully aware of what my Honourable friend has stated. But the fact remains that the Standing Finance Committee is a committee of the Legislative Assembly and not a committee of the Legislature; that is a fact.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): But still a departmental Committee.

The Honourable Sir Bhupendra Nath Mitra: My difficulty is this that this particular Committee, which consisted of Members of both Houses, made a specific recommendation, and I find it difficult to believe that men, responsible men, in the position of those who were Members of this Committee could not have made up their minds, or could not have expressed their opinion in clear language, unless they were persuaded to do so by the only official Member present on it

Mr. S. Srinivasa Iyengar: Does the Honourable Member contradict Mr. Jayakar's statement?

The Honourable Sir Bhupendra Nath Mitra: My friend, Mr. Jayakar, will probably be kind enough to confirm the statement that I am going to make. At an earlier stage when this difficulty was pointed out to me, I

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approached him and asked him what the Committee meant. I was told that the Committee meant what they had stated there. That is all I have

Mr. M. R. Jayakar: Do the words "departmental committee" necessarily mean a committee selected from a panel?

The Honourable Sir Bhupendra Nath Mitra: It does, because the Report says, "similar in constitution and functions to other departmental committees".

Mr. M. R. Jayakar: Can it not mean a committee attached to a particular department of the Government?

The Honourable Sir Bhupendra Nath Mitra: Yes, but when it is stated to be similar in constitution and functions to other departmental standing committees

Mr. M. R. Jayakar: It does not say that the method of election will be similar

The Honourable Sir Bhupendra Nath Mitra: It says similar in constitution; and therefore it means constituted in the same way as other departmental standing committees; and the other Standing Departmental Committees are constituted by the Governor General in Council nominating Members from a panel elected by the Legislature

Mr. M. R. Jayakar: If that is the Honourable Member's interpretation, all I can say, on behalf of the Roads Committee once more, is that this particular point was never present to the minds of the Members who signed the Report.

The Honourable Sir Bhupendra Nath Mitra: Then my answer is that the Members should have made their point clear, as otherwise it is not possible for anybody to know what the point was in the minds of the Members. But, Sir, I am quite willing to admit that the feeling in this House may be different, and for that reason I have suggested a way out of the difficulty. I would appeal to my Honourable friend, the Leader of the Congress Party, and to my Honourable friend, Pandit Madan Mohan Malaviya, that, owing to this peculiar difficulty on this one occasion, they might agree to their Members serving on this Committee, because thereafter we shall draw up a convention, and in drawing up that convention Government will, if that is the general desire, try to modify the constitution of the Standing Committee.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): I can only express my surprise, Sir, at the offer made by the Honourable Member that we should submit to an insult now on the assurance that we shall not be insulted hereafter.

Mr. President: Order, order. The question is:

"That this Assembly do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C, dated the 30th January, 1924, a panel consisting of 12 members from which 6 members of the Standing Committee to advise on matters relating to Roads will be nominated."

The Assembly divided:

AYES—46.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Jowahir Singh, Sardar Bahadur
Sardar.

NOES—47.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. N. O.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Ismail Khan, Mr. Muhammad.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.

The motion was negatived.

The Honourable Sir Bhupendra Nath Mitra: May I make a statement with reference to this division that the result will be that there will be no Committee and no Members of the Legislative Assembly on the Committee.

Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Munshi, Mr. Jehangir K.
Murtuza, Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Ranga Iyer, Mr. C. S.
Roy, Mr. B. C.
Roy, Mr. K. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Gangadand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

An Honourable Member: What does it matter?

Mr. K. Ahmed: It will go to the Public Works Department then.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Is that the ruling?

Mr. K. Ahmed: That is the punishment for you.

ELECTION OF MEMBERS FOR THE GOVERNING BODY OF THE CENTRAL COUNCIL OF AGRICULTURAL RESEARCH.

Mr. G. S. Bajpai: I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two Members to sit on the Governing Body of the Central Council of Agricultural Research."

An Honourable Member: No panel?

Mr. G. S. Bajpai: There is no question of a panel at all.

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE ON EMIGRATION AND THE GOVERNING BODY OF THE CENTRAL COUNCIL OF AGRICULTURAL RESEARCH.

Mr. President: I have to inform the Members that for the purpose of election of members to the Standing Advisory Committee on Emigration, and the Governing Body of the Central Council of Agricultural Research the Assembly Office will be open to receive nominations up to 12 Noon on Wednesday, the 3rd April, 1929, and the elections, if necessary, for these Committees will be held on Friday, the 5th April, 1929. The elections, which will take place in this Chamber, will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE TRADE DISPUTES BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): I beg to move:

"That the Bill to make provision for the investigation and settlement of trade disputes and for certain other proposes, as reported by the Select Committee, be taken into consideration."

In my closing speech in this House on the 11th February last, in connection with the motion to refer to a Select Committee the Trade Disputes Bill, I expressed the hope that I should be able to persuade the Select Committee, and through it this House, that provisions substantially of the nature embodied in the Bill were required to meet present conditions in

[Sir Bhupendra Nath Mitra.]

India. It will be seen from the Report of the Select Committee that my anticipation has been realised so far as that body is concerned. The Bill, as it has emerged from the Select Committee, embodies all the principles, fundamental and supplemental, which were included in the original Bill. Certain modifications of detail have been made in the original Bill by the Select Committee. Personally I do not wholly like many of these amendments. The Bill, as it has emerged from the Select Committee, is, however, of the nature of a compromise, and I have no doubt that it will furnish us with a framework on which a more complete edifice might be built from time to time as the result of experience. It was for that reason that I decided not to put in any note of dissent to the Report of the Select Committee, and I am quite prepared to accept all the conclusions of the Select Committee, and therefore not to support on any of the amendments which I notice have been tabled in this House in connection with the Bill. Most of those amendments were fully discussed in the Select Committee and were turned down by a majority of the Select Committee. I take this opportunity of acknowledging the very considerable assistance which I, on my part, received from Members of the Select Committee who gave very careful and prolonged consideration to the original Bill. I trust that this House also will fulfil my anticipation and pass the Bill as it has emerged from the Select Committee. Sir, I move.

*Diwan Chaman Lall (West Punjab: Non-Muhammadan): May I make an appeal to the Honourable Member? In view of the importance of the events that took place this morning, leading to the postponement of the Public Safety Bill, and in view of the fact that Honourable Members on this side of the House did not expect that this Bill would be taken up today, may I, Sir, with your permission, appeal to the Honourable Member and ask for a postponement of this discussion till tomorrow morning, with a view to giving Honourable Members on this side of the House time to consider their position and to consider their views upon the question now before the House? As far as I am personally concerned, I am quite willing to proceed with the debate, having been a member of the Select Committee, but in fairness to other Members, I think it would be only right if the Honourable Member would accede to this very reasonable request.

Mr. V. V. Jogiah (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, I hope I am in order in moving my amendment now. Sir, I move that the debate be adjourned. The motion of which I have given notice is as follows:

"That the consideration of the Bill be postponed pending the report of the Whitley Commission."

Before dealing with this motion, I want to submit to this House that I did not expect that this Bill would be coming up today. I thought that, in the ordinary course, the Public Safety Bill would proceed. If you, Sir, are pleased to adjourn this House till tomorrow, that will give me time for consideration. It is not possible to do justice to this subject now, but, Sir, if you are not prepared to give me time, I must go on, but I ask you, Sir, to adjourn the motion till tomorrow.

*Speech not corrected by the Honourable Member.

Mr. President: The Honourable Member can go on.

Mr. V. V. Jogiah: I submit, there is an inherent difficulty in dealing with this Bill in this House when the Meerut case is pending before the Courts. The conduct of the men concerned will come before this House in connection with the debate on certain parts of the Trade Disputes Bill.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): But that is under the Indian Penal Code?

Mr. V. V. Jogiah: While discussing the Public Safety Bill last September, it was stated that some of the accused such as Mr. Spratt.

Mr. President: Order, order. I cannot allow Honourable Members to refer to this.

Mr. V. V. Jogiah: I submit the discussion in this House will be greatly hampered if it is not allowed to discuss.

Mr. President: I cannot allow the Honourable Member to refer to matters which are under adjudication in a Court of Law.

Mr. V. V. Jogiah: If that is so, Sir, it is not possible satisfactorily to discuss the Trade Disputes Bill, especially sections 15 to 20. In fact, most of the arguments, which you were pleased to advance in the case of the Public Safety Bill, apply with equal force and emphasis to the part of the Bill which deals with strikes; so that, I submit that it is not at all fair that the Government should insist upon proceeding with this Bill, when the Meerut conspiracy case is pending before a Court of Law against some of the Labour Leaders. Another aspect of the thing that I wish to place before this House is that there is soon going to be a commission called the Whitley Commission. Mr. Whitley, the President of this Commission, is a gentleman well versed in labour matters, and there will be other experts on the Commission. When this Commission is soon to be called into existence, I see no reason, Sir, why this legislation should be undertaken on important matters such as those contemplated by the Bill without giving a chance to labour to place its views before it and without having the advantage of the opinion of the Commission on this Bill. For these reasons, Sir, I move my motion.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): On a point of order, Sir. I want to know whether we shall be in order in passing clauses 15 to 20, which are so relevant to the cases now pending in the Meerut case. I ask for a ruling whether these clauses can be postponed on the same grounds as were applicable to the Public Safety Bill?

Mr. President: That does not arise on the motion before the House. The motion before the House is that the consideration of the Bill be postponed pending the report of the Whitley Commission.

The Honourable Sir Bhupendra Nath Mitra: Sir, I must definitely oppose the amendment moved by my Honourable friend Mr. Jogiah, which, as a matter of fact, was considered by the Select Committee. There is no reason why the consideration of this Bill should be postponed pending the Report of the Whitley Commission. My Honourable friend, in the course of his very short speech, did not, as a matter of fact, produce any argument. The Whitley Commission is being appointed to deal with

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quite different matters, and that was brought out in the speech of His Excellency the Viceroy in this House on the 28th January, 1929. Sir, I oppose the amendment.

Mr. President: The question is:

"That the consideration of the Bill be postponed pending the report of the Whitley Commission."

The motion was negatived.

Diwan Chaman Lal: I move:

"That the Bill be re-circulated for the purpose of eliciting opinions thereon."

I think Honourable Members will bear me out when I say that I think this is the first time in the history of the labour movement in this country when we are faced with legislation of a very far-reaching character. There was one other occasion and that was the passing of the Trade Union Act. That was, I submit, a measure of technical importance, whereas this is a measure which effectively deals with the administrative changes, the activity of trade unions and trade unionists, and as such its scope is so wide and its effect so important on the whole trade union movement in this country that I think this House should proceed very warily in giving its assent or accepting the principles that underlie this Bill, and this Bill should not be passed without giving a further opportunity to the country and to the people, who are really involved in the passing of this measure, to give their opinion on the revised Bill as it comes out of the Select Committee. I submit, with due deference, to the action taken by the Honourable Member in circulating this Bill to certain particular organisations, that some very important organisations in the country, which are vitally affected by the passing of this measure, have not given their opinion in regard to the provisions of this Bill. Now that the attention of the public is centred upon the fundamental principles of this Bill, it is, I think, time that we should recirculate this Bill once again in order to find out what the country really feels about the provisions of this Bill. In my opinion there can be no doubt that the entire labour movement in this country is convinced of the necessity of the modified first portions of this Bill. It has been convinced of the necessity, for a very long time, of the first portions of this Bill relating to the settlement of trade disputes, with modifications not accepting the provisions as they are in this Bill, but with modifications of the provisions as they are now placed before the House. But that is a very different matter to the question that is broached by the Honourable Member. I want to draw the attention of the House to the Preamble, in which it is said:

"This is a Bill to make provision for the investigation and settlement of trade disputes and for certain other purposes."

Now, I submit, that there is a technical objection which I wish to raise in regard to this Bill, that ought to be brought before the public and before the Trades Unions throughout India, and their opinion asked before we proceed with this measure. My technical objection is this. The fundamental principle which the Government intend to place before the country in regard to this Bill is the settlement of trade disputes—either the prevention of trade disputes or the settlement of trade

disputes. These words sound very innocuous indeed. But two other principles are sought to be brought into being in the provisions of this Bill, which have nothing whatsoever to do with either the prevention or the settlement of trade disputes. On the contrary, I assert, with all the authority that I can command, that if these two principles, which are embodied in this Bill in Parts II and III from clauses 16 onwards, become law, they are likely not to prevent or to settle the trade disputes, but to add to the volume of discontent in the labour world and to create more disputes than there ever have been before. In view of the far-reaching significance of this measure, and in view of the fact that these words have nothing to do with the settlement or prevention of trade disputes, and are therefore *ultra vires* of this Bill, this fact ought to be prominently brought before the notice, not only of employers' organisations, but of the public on the one side and of the Trades Unions on the other. I submit that the intention underlying this measure and the main intention of those of us, who are prepared to support the first part is that some sort of machinery should be devised for the prevention and settlement of trade disputes. But that is quite a different thing from saying that a man shall not be entitled to keep off his work and that, if he does so, he shall be punished with imprisonment for three months or fined. That is a very different thing from setting up machinery for the prevention or settlement of trade disputes. The machinery for the prevention of trade disputes, as the Honourable Member is aware, throughout the world wherever it does exist, is for an inquiry to be set up into the causes that might lead up to a dispute or the causes that have already led up to a dispute. It has no reference whatsoever to the making of a strike penal. It has no reference whatsoever to importing penal clauses into a measure expressly meant for the settlement of trade disputes and preventing workers from going on strike merely because the Government of India or the employers desired that certain classes of workers should not go on strike. As I said, this aspect of this measure is of far-reaching importance and has not been prominently brought to the notice of the Trades Union world in this country. All that has happened probably is that the Honourable Member and the Government of India have taken their cue from the passing of a similar measure in 1927 in Great Britain, I mean the British Trade Disputes and Trades Union Act of 1927. That legislation, I submit, is of an exceptional and a retaliatory character and it was passed against the trade union movement in Great Britain for the great crimes that they committed in the eyes of Great Britain for having declared a general strike. We have it on record that, when the Trade Union movement as well as the political movement in Great Britain do come into power, they are pledged to do away with this legislation from the Statute-book of Great Britain. It is, I submit, when all is said and done, a temporary measure which has been brought forth to meet a particular emergency, that is said to have arisen in British politics. No such emergency has arisen in this country; there is not even a whisper of such an emergency in this country. It may be that there are reports in the Home Department to the effect that the trade union movement in this country is heading towards a general strike. Such reports must have been sent by people who know nothing at all about the labour movement. In the labour movement in this country, I repeat again, no such emergency has arisen. There has never been, to this day, in India a general strike of the character that occurred in Great Britain. But I will go further than that. Suppose there is a

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general strike, why should there be any penal clauses in any legislation in this country preventing the workers from ceasing work? I submit again that this matter is so important that, if it is the intention of the Government to prevent trade disputes from arising in this country, then they should not proceed with any legislation, the object of which would be entirely different, namely, not prevention, but increase of disputes between the labour and capital of this country.

Now, if that is so, may I ask what objection the Honourable Member can have to postponing this Bill or to re-circulating public opinion thereon again? I can see no such emergency that has arisen in this country, which should compel the Honourable Member not to accede to the request that we are making. It was, Sir, I believe, in 1920, when there were important disputes in the City of Bombay and elsewhere in India, as the after-effects of the war, that the proposition was mooted, not by the Government, but by trade union movements in this country for some such machinery to be set up for the prevention and settlement of trade disputes. Now, the Government of India, in 1920, did not accede to this request, but when they discovered that this request had been repeated time and again in the years 1924 and 1925, they did accede in so far as to set up an inquiry into the matter. If they could have waited for five years, can they not wait for another five months? Can they not wait until the next session of the Legislative Assembly in Simla for this Bill? Where is the tremendous hurry? Is the Government of India going to be destroyed if this Bill is not passed? Or are the properties of the employers in this country going to be confiscated by the workers of this country? Is there going to be set up a revolution in this country if this Bill is not passed? What is the tremendous hurry which is prompting the Government to push this Bill through at this stage? I submit that, in the matter of legislation of this importance affecting the lives and liberties of thousands, and hundreds of thousands of workers in this country, the Government ought to give every opportunity and every chance for public opinion to be expressed upon the merits of the Bill now before the House. I have no objection to the opinions that have already been elicited, but I have a very serious objection to the fact that the issue not having been brought forcibly before the public in the past few months, the Honourable Member should push this legislation through now.

There has been a change in the situation since the time these opinions were elicited. Does not the Honourable Member intend to refer to the various factors that have brought about this change? If there has been such a sudden change, if this particular measure has come now before the public and the trade union world, is the Honourable Member not prepared to wait a few months in order to let public opinion and the trade union world express its opinion?

Mr. K. Ahmed: And what about those people killed in Bombay?

Diwan Chaman Lall: There is nothing the Honourable Member will lose, there is nothing which the Government will lose, there is nothing which the workers or employers will lose by the postponement of this Bill. On the contrary, I am of opinion that the country will gain by a further clarification of the issues that are now before us, and that the trade union

world will be in a position to concentrate its opinion on this one fundamental issue whether penal legislation of this nature should be added on to legislation whose object is entirely different, namely, the settlement of trade disputes. If that is the position, I want to put this to the Honourable Member. He may say, "The opinions are there; I have the opinions before me". But the Honourable Member knows perfectly well how sketchy those opinions are, how the very important and main issues have been tackled in a very perfunctory and cursory manner by the organisations that have dealt with them. The entire legitimate trade union world has said, "No" to the penal clauses of this measure. I think the Honourable Member will bear me out when I say that that is a correct statement?

The Honourable Sir Bhupendra Nath Mitra: No.

Diwan Chaman Lall: I repeat that the entire legitimate trade union world has said "No" to the penal clauses of this measure, and I ask the Honourable Member to deny that statement.

The Honourable Sir Bhupendra Nath Mitra: I challenge the statement as a correct representation of the facts.

Diwan Chaman Lall: I ask the Honourable Member once again if that is not a correct statement, to give me the name of one single union that is affiliated to the Trade Union Congress that has accepted the penal clauses of this Bill.

The Honourable Sir Bhupendra Nath Mitra: I do not accept the position of the Trade Union Congress as representing all trade unions in India.

Diwan Chaman Lall: The Honourable Member is perfectly well aware that, when he makes his nominations to the Geneva Convention, he does so on the recommendations of the Trade Union Congress. Does he, or does he not?

The Honourable Sir Bhupendra Nath Mitra: No.

Diwan Chaman Lall: Will he give me a single instance when he has not accepted the recommendations of the Trade Union Congress? Is he not aware of the fact that, under the Peace Treaty, he would be prevented from acting in the manner he says he has acted?

I make that statement once more, that there is not a single trade union in India that is affiliated to the Trade Union Congress, which has accepted the penal clauses of this Bill, and I challenge the Honourable Member to name a single union that is so affiliated which has accepted the penal clauses of this Bill. I wait for his reply.

The Honourable Sir Bhupendra Nath Mitra: I have already given the reply.

Diwan Chaman Lall: Honourable Members have heard the reply and they have also heard my challenge. I know perfectly well that if there had been such a trade union we would have heard the name of it. I cannot convict the Government of India of ignorance of this matter. Their information is perfect, and they know which unions have and which have not. The Trade Union Congress at their last session in Jherria went beyond the ordinary stage of protest and actually passed a Resolution that this particular measure was of so far-reaching a consequence that they suggested to

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their provincial organisations that, on the passing of this measure, they should call the workers out for a one-day strike. Is the Honourable Member prepared to listen to the warning of responsible trade unions throughout the country? After all it is a protest they are making. They are trying to get the Honourable Member to concentrate his attention upon the protest made by the trade unions of this country, in regard to the penal clauses. Will he not give a further chance to the public, in view of what has been done, to reconsider this matter? Will he not give a further chance to the organisations, even of employers, to reconsider their position, in view of the hostility of the working classes to the penal clauses of this Bill? I can see no reason for his objection, except this that we have had a series of opinions,—we have had these papers handed over to us and certain organisations have been consulted. I say that, in view of the Report of the Select Committee and the acrimonious debate that went on in the Select Committee,—in view of the new developments in the labour movement of this country, I say it is up to the Honourable Member to accede to this request to re-circulate this Bill, to agree to the proposal that the Bill should be re-circulated to elicit further opinions. I will not take the opinions of either the employers' representatives or the representatives of labour, but I would go further and take the opinion of the public upon this measure. The Honourable Member knows perfectly well that many an organisation in this country has declared its hostility to the penal clauses. Let me take the National Congress. The National Congress at Calcutta—I myself have not seen the Resolution—were absolutely opposed to the Trade Disputes Bill, and a mandate was issued to all Members to oppose this measure tooth and nail.

Mr. President: Did the Honourable Member support the reference to the Select Committee?

Diwan Chaman Lall: The Honourable Member was not in the House on that day, and if he had been here, after your ruling in the matter, he would certainly have supported the reference to Select Committee, because by a reference to the Select Committee one was not tied down to the principles laid down in Parts 2 and 3 of the Bill.

Mr. President: It was the other way about.

Is the Honourable Member going to take long?

Diwan Chaman Lall: I think so.

Mr. President: Then he had better continue after the recess.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

Diwan Chaman Lall: Before we adjourned for Lunch I was referring to the question of the opinions expressed by trade unions in this country in

regard to clause 15 and onwards in this Bill. The present Bill reminds me of a very famous remark made by an eminent gentleman named Don Carlos when he said regarding a particular convict, when he was going to be hanged, that it would be good for him. (Laughter.) That is exactly what my Honourable friend, Sir Bhupendra Nath Mitra, is trying to do with the working classes in this country by the penal clauses of this Bill. What he has attempted to do is to impose a terrible hardship upon the working classes under the mistaken idea that it will do them a great deal of good. I can quite well understand the Honourable Member accepting the first portion of the Bill and saying to the working classes, it is good for you. But in regard to the other portions of the Bill, he knows perfectly well that the entire, and I repeat it, the entire legitimate trade union movement of this country is definitely opposed to these provisions. I say, Sir, that the time has come, after the debate, that went on for several days, in the Select Committee, that the Honourable Member should once again circulate this Bill for eliciting public opinion in regard, not to the first portion only, but in regard to the second and third portions of this Bill. There are numerous changes that have been made in regard to this Bill. Let me refer to one change that was sought to be made in regard to this Bill referring to the question of picketting. Now, I notice, from the amendment papers, that have been circulated to Honourable Members, amendments have been sent in regard to picketting. Suppose that the Honourable Member, who moves an amendment to that effect, carries that through on the floor of this House, then, the House knows perfectly well that picketting was never a question referred to the trade unions or the public for the purpose of eliciting opinions thereon in regard to that particular question. Suppose it is embodied in this Bill. What would be the position? Trade unions and employers' organisations on the whole have not so far given their verdict in regard to the question of picketting. I know there are three or four employers' associations, which, when the matter was raised recently, suddenly discovered the necessity of introducing a clause in regard to picketting in this Bill, and it is because of that, that these amendments have been tabled. Suppose there is a possibility of that amendment being carried through on the floor of this House, can the Honourable Member turn round and say that that question has been adequately discussed by the public and the labour organisations in this country? What would be the fate of this Bill? Is it not necessary, therefore, that, even in regard to the question of picketting, we should re-circulate the Bill and demand further opinions from labour organisations and employers' organisations?

Mr. K. Ahmed: It is already in the minute of dissent.

Diwan Chaman Lall: The Honourable Member is not right. He does not seem to have read either the minute of dissent or the Select Committee Report.

Mr. K. Ahmed: Read the first page.

Diwan Chaman Lall: I am very glad to see that the Honourable Member has studied something at any rate. (Laughter.) Now, the Honourable Member in charge will, if he turns to page 167 of the paper No. 8, which is apparently a recently circulated paper, find that Mr. Turner, I.C.S., C.I.E., Secretary to the Government of Bombay, General Department, writes to the Secretary to the Government of India that he circulated

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the Bill for opinion being directed by this Government to do so. What does he say in paragraph 2? He says:

"It will be observed that all these bodies are of opinion that a clause should be added to the Trades Disputes Bill to make picketting illegal."

Now, as I said, I visualise the possibility of this particular amendment going through. The Honourable Member knows that, as the law stands in India today, picketting is not an offence under the ordinary law of the land. Picketting was declared no offence in Great Britain under the Trades Disputes Act, 1906 "so long as it was peaceful". Here in this country, all legal authorities, as far as I have been able to consult them, are agreed on this point that picketting is no offence in this country. Picketting with violence,—violence and intimidation—are an offence. Picketting without violence, or non-violent picketting is not an offence under the law. Now, if this amendment goes through, you are adding substantially a clause to this Bill which would bring in another penal law against the working classes. Has the Honourable Member consulted the working classes in regard to the question of picketting? I submit that the question we are now discussing is very very important, and it is necessary once again to bring before the forum of public opinion the questions that are involved in this Bill. Now, let me take for a moment the statement that I made before we adjourned for lunch, namely, that labour in general was not in favour of the penal clauses of this Bill. My Honourable friend over there objected to my making that statement. Now, he knows perfectly well that every important trade union in this country is definitely opposed to the penal clause. I am going now, with your permission, to refer particularly to the opinions of labour organisations in this country in regard to the penal clauses of this Bill to show the volume of opposition from the labouring classes, who had hoped, that before the Select Committee, those penal clauses would have been deleted, who had hoped that wisdom might have prevailed with the Government and that the Government would not have pressed this penal clause on the floor of this House, and who had hoped all these things would happen. In the face of all this, is it not to be expected from the Honourable Member that another opportunity should be given to these working classes in this country, whose destiny and whose fate and whose future, whose existence and whose liberty are at stake by the passing of the penal clauses of this Bill? Is it not to be expected that another opportunity should be given them to express their opinion whether they do or do not accept the penal clauses without modification, or whether they still adhere to the opinion that they will have nothing whatsoever to do with them. Further, my submission is that another opportunity should be given to the employers' association as well in view of the fact that they were not made aware at the time as to what their opinion was in regard to the particular clause regarding picketting. Now if they have an opportunity of discussing it with the working classes of the country, it may be that they may come to a different conclusion,—different to the one that they came to before these opinions were expressed. Let them have an opportunity of revising their opinions, if they so choose and let us all have a consensus of public opinion both for and against the penal clauses of this Bill.

Let me first of all take the question of Punjab Labour. Let me turn to page 22. Now the Punjab Unions which have been consulted, are the

Punjab Provincial Trade Unions Congress, the North Western Audit Railway Union, the Punjab Labour Board, the General Workers' Union, North Western Railway. I am going to say nothing about the unions that have been consulted. There is only one union which I know represents the workers in the proper sense. That is the North Western Railway Audit Union. Nevertheless let us see what these trade unions of the Punjab say in regard to the provisions of this measure. There is one body, the General Workers' Union of the North Western Railway, which does not exist. I do not know how that body came into existence for the purpose of this Bill. But, nevertheless, I challenge anybody to come forward and show me either their membership roll or their account book to prove that there is in existence a body of that nature. I say that deliberately, Sir, for this reason that it is this particular body which the Honourable Member has probably in view, which has given some sort of favourable opinion in regard to this measure. Now, Sir,

Mr. K. Ahmed: Why not get the opinions yourself?

Mr. President: Order, order. Diwan Chaman Lall.

Diwan Chaman Lall: If the Honourable Member will only hold himself in patience, he will realise that I am not giving out my own opinion, but I am expressing the collected opinions of trades unions. The representatives of employers were consulted. What do they say? One Union says:

"As to the third part of the Bill regarding illegal strikes and lock-outs, which has been criticised generally by the labour organisations, who want clauses 16—20 to be entirely deleted, the Governor in Council suggests that the amendments proposed by the General Workers Union, North Western Railway, Lahore, though not acceptable in the form in which they have been proposed might be considered by the Government of India."

Now, I am not going to charge the Honourable Member, for he has no responsibility in this matter. But probably this Union has been brought into existence in order to get a favourable opinion on this Bill in the name of Punjab Labour. All the other Unions, what have they said? They have said that they are not in favour of these penal clauses. Take the North Western Railway Audit Union, Lahore, which is a registered Union—and I can speak from personal experience of it, it is a very valuable Union. It says:

"As far as clause 15 is concerned, the members of this Union are Railway employees directly responsible to the Auditor-General and already bound by contract with the Secretary of State for India, which provides one month's notice from both sides. This is in the case of individuals. The present clause, in the opinion of the Union, is one-sided, and gives arbitrary powers to the Government because it interferes with the freedom of the employee and places the employer in an advantageous position. Moreover, the Union thinks that it is the natural right of every worker to withdraw his labour whenever he thinks he should do so. The provision is superfluous."

As regards clause 16:

"The Audit Union entirely disagrees with it, because every strike is to some extent a hardship on the community and, moreover, the term 'Trade or Industry' is quite vague. Apart from this, there is some difference between Great Britain and this country with regard to labour, because here, as already pointed out in foregoing paragraphs, the Government is the chief employer. This clause is not restrictive to a general strike only, but goes further to an ordinary sympathetic strike with one department in its various branches."

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As regards clauses 17 to 19 the Union says they are objectionable, "as they provide direct interference in the rights of the Trade Unions and are likely to relax discipline among their members".

Now, let me take another Union, the Punjab Labour Board. They say, in regard to the provisions of this Bill, that clauses 15 to 20 must be absolutely deleted. I understand the General Secretary of this Union happens to be a member nominated by the Punjab Government to represent labour interests in the Punjab Council. He said:

"Clauses 15 to 20 of the Bill must be absolutely deleted. They are entirely unacceptable to us. This Board takes the strongest possible objection to these anti-labour clauses."

That is the opinion of the Punjab. It is a reflex of the opinion of the labouring classes throughout India. Now, let me take the Madras Labour Union; and if the Honourable Member will kindly turn to page 40, he will find the objections of a meeting of the Labour Advisory Board, which was held on the 19th November 1928. There it is stated:

"Clause 15 was criticised as harsh, unfair, and one-sided. It was felt that the obligation of employers to give reasonable conditions of employment should be emphasized at the same time as the restriction upon strikes or refusal to work. On the whole, it was thought desirable to reproduce the corresponding clause (16) in the 1924 Bill with an addition making reference to a Conciliation Board compulsory in these cases, and shortening to 45 days or so, the period during which the Board's report must be awaited."

"Clauses 16 to 20 inclusive were objected to *in toto* by the majority of the Board, as being unnecessary and likely (through difficulties of interpretation, etc.) to cause much hardship to innocent, or comparatively innocuous, movements."

That is the opinion of the Advisory Board that was constituted in Madras. Let us see now what Madras labour has got to say in regard to this matter. Take the opinion of the President of the Buckingham and Carnatic Mills Employees' Union:

"With reference to clause 15 of this Bill, our Committee supports Mr. N. M. Joshi's opposition on the ground that the Bill is one-sided. Employees in the Public Utility Service must have freedom for serving or withdrawing from the service without notice. This rule No. 15 could be in existence in a place like England where the workmen have unemployment benefit. Though an employer sends away his employee by giving a month's notice or salary, it is not an adequate compensation for the hardship he is put to by losing his job."

"With reference to clause 16 of this Bill, that if a 'strike has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged', our committee opposes this clause as it is the right of every man to strike if he has any grievance without redress."

Colonel J. D. Crawford (Bengal: European): On a point of order, Sir.

3 P.M. Will the Honourable Member be relevant in talking about all these things on a motion for re-circulation?

Mr. President: The original motion was that the Bill, as reported by the Select Committee, be taken into consideration, to which the Honourable Member has moved an amendment that the Bill be re-circulated for the purpose of eliciting further opinions thereon. I have taken both these motions together and allowed a general discussion on them.

Diwan Chaman Lall: I thank you, Sir. I cannot do better than say this: that I hope my Honourable friend Colonel Crawford will bear with me in patience, when I am placing before the Honourable Member, and before this House, the opinions of labour organisations throughout the country. Because—and I want my Honourable friend Colonel Crawford to understand me—we are attempting to pass legislation in regard to the working classes. Surely, their opinions have got to be considered, and we have got to know whether they consider this legislation is to their benefit or not. I want the Honourable Colonel Crawford to realise that the entire labour movement is whole-heartedly opposed to the provisions of this Bill, and it is for that reason that I am referring now to the opinions of the various labour organisations throughout the country.

Let me now take another union, the Madras and Southern Mahratta Railway Employees' Union. They say:

"With regard to the second part of the Bill, *viz.*, clause 15, we very strongly object to the same. This makes illegal not only strikes but even cessation of service by a single individual without notice. The safeguard requiring the sanction of Government for prosecution under this section is of very little value in Railways where the Government are themselves the employers."

"The third part of the Bill dealing with sympathetic strikes is most reactionary and is bound to be vehemently opposed. It penalises sympathetic strikes."

This is the opinion of Madras Labour. The President of the Madras Corporation also was asked to give his opinion, and he said that:

"The definition of public utility service is a very dangerous one and Government is constituted the sole authority for deciding which other industry or undertaking shall be included. This, we believe, will be placing too much power in the hands of Government Departments that may not be and cannot in the nature of things be expected to take a dispassionate view. We agree with the strong criticism that has been passed in respect of clause 15, *viz.*, that employers who will send away workmen with or without giving a month's notice, are not held criminally liable. In case both sides are brought under the criminal provisions of clause 15, we believe that the ordinary magistrates of the first class or a Presidency Magistrate should not be empowered to try such cases. We should have men taken from the rank of public men to inquire into and try such cases. We have no confidence that justice would be done by the subordinate judiciary in cases where labour interests clash with those of capitalists and Government."

But the most important of these opinions comes, in my view, from Bombay, because Bombay is the chief centre of industrial organisation in this country. It has been repeatedly stated that labour organisations in that City oppose whole-heartedly these penal clauses, and I want just to quote very briefly some of the opinions that have been elicited from Bombay. If the Honourable Member will turn to page 71, he will find, first of all, the opinion of the Bombay Municipal Workmen's Union: They say:

"The second portion, Public Utility Services, my committee takes special objection to this portion. Apart from the fact that it is definitely anti-working class and anti-trade union, it is designed to operate only against the worker and to take away from him the right to strike."

"The third portion, illegal strikes and lock-outs. The word 'lock-out' here might easily be dropped, because this clause appears only to apply to strikes; it is designed to prevent one section of workers coming to the assistance of another section of workers, who may be in dispute."

"In short my committee has come to the decision that this Bill, as a whole, must be vigorously opposed as a repressive measure and demands that the Government stop encroaching on the already meagre rights that the workers of India today possess."

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LEGISLATIVE ASSEMBLY.

[2ND APRIL 1929.]

[Diwan Chaman Lall.]

Now, Sir, let me take the opinion of the Indian Seamen's Union, Bombay: It says:

"My Union is of opinion that clause 14 is not conceived in the best interest either of industry or workers. Democracy has come to stay in India and it is a natural right of any person before any inquiry, to be represented by a legal practitioner, and no restrictions should be created limiting this right. My Union completely disagrees with the principles underlying clauses 15 to 20."

Take the opinion of the Bombay Textile Labour Union, a very important union in Bombay. It says:

"My Union, however, strongly objects to the clauses 15 and 16, since they have been so worded as to make the position of workers legally more unsafe."

Take the Municipal Sweepers' Union, Karachi. It says:

"Regarding clauses 16 to 20, which follow closely the British Trade Disputes and Trade Unions' Act, our Union very strongly feels that sympathetic strikes are an inevitable necessity of labour for safeguarding the conditions of work and life of weak brethren of their community and whatever may be said to the contrary, these provisions do seek to make such sympathetic strikes illegal. We therefore strongly oppose clauses 16 to 20 and would urge that the same be also deleted."

The opinion of the Bombay Dock Workers' Union is that:

"Clause 14 is not conceived in the best interest either of industry or workers. . . . My Union completely disagrees with the principles underlying clauses 15 to 20. Clause 15 is clearly not intended against a sudden strike, either special or general, in public utility services, but any person who ceases to work voluntarily for any reason is made liable to be punished either by fine or imprisonment."

The Mill-Workers' Union, Bombay, says:

"As regards part III, they are firmly of opinion that clauses 15 to 20 must be totally deleted."

The Honorary General Secretary, Great Indian Peninsula Railway Staff Union, Sholapur, says:

"Section 15 and the rest of the sections following will work a great hardship on the labour and, therefore, they are unacceptable."

The Bombay Presidency Postal and Railway Mail Service Association are of the same opinion.

The National Union of Railwaymen is an Anglo-Indian Union, and I think I will leave Colonel Gidney to deal with this Union. I am sorry to find he is not in the House, but I cannot expect any popular views from a Union of that kind. I do not know what it is, but it certainly is a union of the superior staff.

The Professional Motor Drivers' Union, Bombay, strongly condemns clauses 15, 16, 17, 18, 19 and 20, which the Committee believes entrust arbitrary powers to the employers. They therefore urge that the above clauses should be totally omitted.

The Press Workers' Union, Bombay, says:

"The second portion, Public Utility Services, my Union takes special objection to this portion apart from the fact that it is definitely anti-working class and anti-trade union, it is designed to operate only against the worker and to take away from him the right to strike. . . . Clauses 15 to 20 must therefore be deleted."

Mr. K. Ahmed: We have all got copies of these opinions and read them; you do not want to read them all.

Diwan Chaman Lall: I am very pleased to find that, after all, my Honourable friend, Mr. K. Ahmed, has read something and been satisfied. (Laughter.) I want, not only Mr. K. Ahmed, to be satisfied, but I want my Honourable friend, the Labour Member, also to be satisfied. Now, let me take the opinion of the Bengal Trades Union Federation; the Honourable Member will find it at page 145. . . .

The Honourable Sir Bhupendra Nath Mitra: May I say this, that I have had the pleasure of reading all these opinions and of studying them for the purpose of considering the provisions of the Bill in Select Committee?

Diwan Chaman Lall: I am very sorry, Sir, to find that all that has been infructuous. The Honourable Member has not been affected at all by the opinions that he has read, and because he has not been affected by the written word, I want to see if he can possibly be affected by the spoken word. Now, the Bengal Trades Union Federation have definitely declared:

"In view of the stringent conditions attached to strikes in public utility services, the list should have been exhaustive and the executive should not have been vested with such wide discretion as to include any other industry, business or undertaking in the list by giving only three months' notice. . . . clause 16 of the Bill, which declares certain strikes illegal, is extremely reactionary as it seeks to put restrictions on the right of the workers to strike."

Now, Sir, these are the various opinions that have been elicited—apart from the opinion of the Kankinara Union, which has a history of its own, and the General Workers' Union of the Punjab, which has a history of its own also. It is best to drop a discreet curtain over the history of these two Unions. There is no responsible trade union in this country which has supported the measure which the Honourable Member is seeking to foist upon this country. Why is he seeking to do it, and why can he not wait, as I have said, for a few months and bring this measure up again before the Legislative Assembly next session? What is the urgent necessity? Can the Honourable Member convince anybody on the floor of this House, except of course those who are bound to vote one way or the other on all occasions—can he convince me—and I am prepared to be convinced, and I say that if the Honourable Member can convince me now I say that I shall ask for special permission to vote with him in his lobby, if he can convince me that there is any such urgent necessity to compel him to bring in this measure now and get it passed in this session without waiting any further? The Honourable Member knows perfectly well that there is no such necessity. If there were such a necessity, we would have heard this argument in favour of the Bill, but no such necessity was shown. Perhaps it might have been possible for the Honourable Member to have made out a case, as my Honourable friend the Home Member made out a case, for the Public Safety Bill in Simla, when the matter was first broached. But then the question was whether society was going to collapse if that measure was not passed. I think the Honourable Member has not taken that line of action; he does not contend that the social

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fabric in this country is going to collapse all of a sudden like a house of cards if the measure that he is bringing forward before the House is not given effect to. Then what is the necessity? I can understand the necessity if there was such a danger to the State, a danger to the public, danger to the safety of the working classes or even, let me admit, danger to the employers in this country. If that were so, we would have seen the Honourable Member come to this House and say, "Unless you give me these powers, I shall not be responsible for the public safety and peace of this country". But on the contrary, I find that this is a routine measure that the Honourable Member is bringing forward, a measure which will probably never be put in force, except when the Government intend to go in for a repressive policy. Take the case of the measure that was passed in Great Britain. I believe there was only one case under that new Trade Union Act of 1927, and in that case the Trade Union involved ignored it with contempt and did not participate in the proceedings. If it is unnecessary even in a country like Great Britain, which has been actually faced with a general strike, what is the necessity in a country like India, which has never so far been faced with a general strike? Is it a part of the Honourable Member's case that there is danger of a general strike in this country? If that is so, no Member on the floor of this House has heard one word of evidence to prove that there is any such danger. Is it part of his case that the public peace will be endangered if the measure is not passed? If so, not one of us has heard one word to prove that there is the slightest danger from any source whatsoever to the public peace. And if that is so, I do ask the Honourable Member, in all fairness to the working classes, whose representatives are not to be found on the floor of this House,—I ask him in all fairness to the working classes whether it is right that we should go over their heads and get this measure through this session, without giving them a further opportunity and giving the public a further opportunity of listening to the arguments that have been advanced on the other side, and of seeing the changes that have been made in the Bill by the Select Committee and of taking stock of the situation as it faces us today.

There are matters that I cannot refer to. I wish I were in a position to refer to them; and the Honourable Member knows perfectly well that, if I were to be in a position to refer to those matters, I could give a few more arguments, which would convince him, or which ought to convince him—I have no hope that they will convince him—but certainly which ought to convince him, that there is no urgency whatever for this measure to go through this session. May I ask him to review the history of other countries and to find out that, wherever action has been taken in other countries, there have been at least certain representatives of the working classes, who could voice their opinions and sentiments? Here, we are peculiarly situated. There is not one single Member on the floor of this House who represents the working classes. Is it too much to ask the Honourable Member therefore to give the working classes another chance to consider and reconsider the provisions of this measure, and with public opinion behind them, to come to him and say: "Nobody in India wants this measure, not even the capitalists are eager and anxious about this measure"—as I will show to the Honourable Member in a minute—Indian capitalists at any rate. It is but to be expected that power which is going to

be given to the employer in this country under the provisions of this Bill is a power which is desirable for their purpose, and it would be no strange thing if the employers in this country were favourable to this measure. But I say, give the employees a chance, give the general public a chance, to convince the employer that such reactionary penal clauses as are embodied in a Bill whose purpose is to settle or prevent trade disputes should never be incorporated in this measure. Give them a chance to convince the Honourable Member that such penal clauses should not be incorporated in a Bill of this character. He is quite welcome to have the first part of the Bill, with its amendments, passed here, but he has no business to come to this House and demand that the second and third clauses also be passed.

Now, Sir, the Honourable Member knows perfectly well that the Indian Chamber of Commerce, at Calcutta, have expressed an opinion unfavourable to the penal clauses. I am sorry I do not find the representative of the Indian Chamber of Commerce here today, but I think the Honourable Member will agree with me that, when that Chamber says that, if such tremendous powers are given to the Government, they may utilise them in a reactionary manner, he should listen to the warning of the Indian employers. Sir, in this country we are very much averse to any sort of reactionary proposals that may be brought in by the Government, because we know from bitter experience, that in the past, they have militated against a fair and just settlement as between the employer and the employee. We know for a fact that the Government have utilised reactionary powers of this nature in order to oppress, in many instances, the working classes. Take the case of section 144. How many times has not section 144 been used in order to prevent the working classes from holding their meetings in a legitimate trade dispute? I myself have been the victim on more occasions than one of section 144 when it was utilised against me in order to prevent me from holding a legitimate trade union meeting. How can we expect the Government, when they are armed with this power, to use it against the working classes fairly and justly? Therefore, my point is this. I am asking the Honourable Member to be fair to the working classes. Give them one more chance to mobilise public opinion behind them in order to show that these reactionary proposals that have been copied from the British Act cannot justifiably be placed on the Statute-book of this country, because there is no necessity, there is no reason, there is no justice behind them. I therefore appeal finally to the House not to be led away by the fact, that because the Honourable Member in charge has moved this particular motion on the floor of this House, it is absolutely necessary to carry the measure in this session. It would be much better if the Honourable Member were to split up the whole Bill into three different Bills. Let us have the first Bill with the modifications in it, and we are prepared to accept it, because it is a Bill which really matters, the preamble of which says that it is intended for the prevention and settlement of trade disputes. Let him postpone the other measures, and the only way in which he can do so is to give the public and the trade union movement a chance of mobilising public opinion and expressing it in no uncertain terms in order to convince the Honourable Member that he would, by passing this measure, be doing a grave injustice to the working classes of this country.

Sir Darcy Lindsay (Bengal: European): Sir, it is a little difficult to follow my Honourable friend, as he has gone over such a wide field, first of all in dealing with his amendment to re-circulate the Bill, and then in entering into a long discourse on really whether the Bill should be taken into consideration. Now, Sir, I only propose to deal with the question as to whether the Bill should be re-circulated. I argue, Sir, that my Honourable friend, in the points he has brought forward, has brought them forward at a wrong time. The arguments that he tries to adduce should have been strongly pressed when the question was before the House as to whether the Bill should be committed to the Select Committee or not. It is very unfair, Sir, to the Select Committee at this stage, after they laboured hard and endeavoured to meet the views of the House and made certain important amendments to the Bill, to call for a re-circulation in order that the changes they have made should be further discussed by the country at large. I should think that my Honourable friend, in the many opinions that he has quoted this afternoon, is satisfied in his own mind that the country at large has had ample opportunity for considering this measure, and therefore there is no necessity for re-circulation. I may say, Sir, that, in the Select Committee, a motion was moved at the conclusion of our proceedings that in the changes that were effected

Mr. President: Order, order. The Honourable Member is not in order in referring to what happened in the Select Committee unless it has found a place in the Report itself.

Sir Darcy Lindsay: I bow to your ruling, Sir. The only other reference to the Select Committee that I would like to make is the one which arises from a remark of my friend. He referred to the acrimonious debates that took place in the Select Committee. Now, Sir, I, as Chairman of the Committee, can assure you and the House generally, that there were no acrimonious debates, and I have never had the pleasure or the honour of sitting on a Committee where there was a better feeling. And even my Honourable friend, Sir, will confirm what I say, that we gave him the utmost opportunity to put forward his views, and the Committee listened to him with the greatest attention.

Another point to which my Honourable friend referred this afternoon was in reference to the penal clauses, and he indicated that these penal clauses were entirely new to India. Now, Sir, he knows, and I think all the Members of this House know

Diwan Chaman Lall: I did not say that they were entirely new to India.

Sir Darcy Lindsay: I think all Honourable Members of this House know that some of the services that are included under the penal clauses are already dealt with in like manner and penal clauses more severe than those which have been proposed in this Bill; so it is not a new matter to India.

My Honourable friend also referred to the sketchy opinions that had been obtained when the Bill was first circulated. He did not seem to consider the opinions sketchy this afternoon, when he took up a lot of

the time of the House in reading them out. Sir, I maintain that the Government have given the public every opportunity for considering this question and there is no necessity for re-circulating the Bill.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the motion for re-circulation, and my reasons are briefly these. I am not going to support this motion simply because it is a dilatory motion, that is to say, a motion calculated to gain time. There is nobody here in whose favour time is to be gained. Government seem to be determined, on their side, to sit it out and finish the business, and I for one, I may say, have come back from my place now to sit the Bill out and to finish it if I may with my presence and vote. But I am supporting this motion, not because it is dilatory, but if we gain time, that little delay might help us in better judging of the merits of the Bill that is before us. I think my Honourable friend Mr. Chaman Lall has made out a very strong case on the ground that the opinion of the workers themselves has not been adequately and fully consulted. Of course, we have got, in the papers embodying the opinions on the Bill, a number of opinions from people who are not so vitally and directly concerned with trade disputes. Occasionally we find references here and there to an opinion expressed by some one who was more or less directly or distantly connected with trade disputes, but the bulk of the opinions contained in these papers are from people who are not directly concerned with trade disputes, and there are not very many opinions coming from people who are directly affected by this Bill and who directly suffer in these disputes, namely, the workers themselves.

But, Sir, I stand to support this motion on a special plea, which perhaps might appeal to this House in another view. I am referring to the Report of the Bombay Strike Inquiry Committee of 1928-29, which I have got in my hand. I am not quite sure whether other Members of this House have got copies of this Report. Probably I have got it, along with other Members who represent the Bombay Presidency in this House, but the other Members of the Assembly, who do not belong to the Bombay Presidency, have not got copies of it in their hands. My Honourable friend, Mr. Aney, says they have not even heard of the Report. (An Honourable Member: "They have.") Perhaps they have heard of the Report, but they have not got copies of it in their hands. If they are supplied with copies of this Report, they will get enough material, if they seriously apply their minds to the Report, to decide upon some of the questions which are now contained in the first part as well as the second part of the Bill. There are two main questions involved in this Bill,—the machinery to be set up to settle disputes, that is one, and the second is the penal clauses which are calculated to put a certain pressure upon the workers not to go on strike, etc. In my humble opinion this Report contains very valuable material, almost invaluable material for a man to give his judgment, to bring his judgment to bear upon both these aspects of the question of trade disputes. At page 170 the Committee themselves put on record what value they attach to this Report and the labour they have spent upon it. In paragraph 10 the Committee say as follows:

"We have endeavoured to deal comprehensively, and at the same time concisely, with all the wide points that are involved in the questions referred to us for opinion, but we are conscious that we may have failed to notice in our Report some of the arguments raised before us. It would, however, have made it unduly long to deal with

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everything that was discussed at our sittings, and we believe we have dealt with all the important points. We hope our Report will be of utility—"

I want the House to listen to these words—

"We hope our Report will be of utility, not only to the millowners and the workers and their representatives, but also to Government and the public in aiding them to form a proper opinion upon the disputes, which led to this Inquiry."

It may be said that this particular Report refers to disputes arising out of one particular section of industry, namely, the mill industry. I quite see the force of that argument, but my reply to that would be, if you go over the points of dispute raised in this particular inquiry, the evidence taken in this inquiry, and the statements of complaints and the manner of removing those complaints, as stated in this inquiry, they will offer material which will be very useful for other people dealing with disputes in other industries also. Just to illustrate my point, I would read out some of the grievances which were discussed by this Committee and upon which judgment has been passed by the Committee, and the House will see that they are practically common to all industries, whether the industry concerns itself with mill textiles, or whether it is an iron industry, or some other industry. For, after all, trade disputes arise out of particular elements of human nature, which are common not only to the textile industry but to all industries. Go to the Tata's Steel Works, go to the mining area where you have got so many disputes, go to the mill industry. In all you will find that the nature of the dispute is the same, the causes are practically the same, and the manner of dealing effectively with such disputes will always be the same, because all these are dependent upon human nature, which we know, is common not only throughout all parts of India but, if I may say so, throughout the world. Therefore, the evidence which is embodied in this particular volume will be fully relevant and will also throw very great enlightenment upon the manner of settling trade disputes in other industries also. In this Trade Disputes Bill we are not certainly dealing with one section of industry. There are services of public utility and so on and so on, and yet I maintain that the elements of dispute and the manner generally of solving them will be practically the same, because human nature is the same whatever the industry or the province in which those disputes occur.

Look at some of the grievances that were put forward before this Committee and which were dealt with by them, and you will at once find that there is a family likeness practically between the grievances put forward here and the grievances which you are, in any circumstances, likely to meet with in other departments and in other disputes in other parts of India:

"Direct cut in wages; reduction in monthly earnings owing to the following indirect causes:

Introduction of new varieties of cloth at rates which did not bring the level of wages to those earned on the production of the old sorts."

In reading these, I am sometimes using a substitute word in order to make their application general. I am reading these sections *mutatis mutandis*.

"Reduction of piece-rates to meet unanticipated high production by individual operatives."

Adjustments in rates made to bring them in line with the rates prevailing in other industries or departments.

No adjustments made to increase rates in cases where mills went on finer counts.

Introduction of artificial silk and inferior raw material.

Gradual withdrawal of bonuses, such as good attendance and efficiency bonus, free railway passes to workers, etc.

Introduction of a method of paying wages on the weight of the cloth after it had undergone a subsequent process, instead of on the actual weight produced on the looms.

Introduction of new methods of work, involving a reduction in the number of operatives employed, notably in some mills, and the fear of the spread of this system to other mills in the city.

The increase in the hours of work of mechanics in some mills from 8½ hours to 10 hours per day, and the declaration of a general intention to level up the hours of work for all mill operatives in all mills to 10 hours per day.

In addition to the above, there were several minor grievances in connection with the infliction of fines, dismissals, the practice of handing over spoiled cloth to the weavers in lieu of wages, etc. It would, we think, serve no useful purpose to go at length into the exact causes of the General Strike, or to attempt to apportion blame for it on either side. There were no doubt various contributory causes. . . .

But the very statement that there were contributory causes on both sides brings me back to my particular plea or contention that the elements underlying any dispute anywhere in India are elements arising from human nature itself, and therefore must be regarded as eternal. Therefore, anybody who wants to sit in judgment upon the merits of a Bill dealing with trade disputes cannot very well afford to go without the assistance of the various useful materials contained in the present Report. I think Government should have voluntarily postponed the consideration of this Bill in view of this Report, if not of the coming of the Whitley Commission. I personally consider that it is a legitimate ground for demanding the postponement of the consideration of this Bill, because there is a good Commission coming and it is expected to go into all matters thoroughly. Why should Government be in a hurry? What is lost by Government or anybody if the Bill is postponed, in view of the coming of the Whitley Commission? But apart from the Whitley Commission, we have in this Report very useful material noted down and commented upon by a very responsible Committee, among the members of which there was one High Court Judge, and full and patient hearing was admittedly given to both sides of the textile dispute in Bombay. Therefore I say, here is very useful matter which we cannot afford—I for one cannot afford—to lose, and although I have got a copy of the Report, I cannot say that I have gone through the whole Report because I only recently received it. I want time to read the Report and make use of the material here.

Now there is one thing in particular which will be of great use in bringing our minds to bear upon the Report and it is this question of the eternal human nature. Before the Report came out, there were a number of strikes in 1927 and 1928. The Report was not there and the Committee was not there. The disputes came to an end somehow. It was not a regular "settlement", and it would be interesting to this House to know how general strikes ended before this Report and before this Committee was appointed. I have not the actual figures, but about 25 strikes are noted here, some of which took place in 1927 and some in 1928; and looking at the column of results, I find that, except in one

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case, in which the strike ended in a compromise, the Commission notes that the strikes ended in favour of the employers. Now it is difficult for me, as a third party, to understand how about 25 strikes should have all ended in success for the employers when there was so much to be said on the side of the workers also. In this respect I have omitted to mention one other strike, about which it is said that it was merged into the general strike, and the result of course was not definitely known. Now, what I wish to observe about these 25 strikes, in which there was success uniformly on the side of the employers, is that sufficient pressure was not brought to bear upon the employers. In this connection I would like to read just a few words from page 2 of the Report, in which it is admitted that justice was, to a certain extent, on the side of the workers also; that it was not uniformly on the side of the employers, as would be the impression if you go over this column to which I have made a reference. The Committee give a general history of the strikes and then they say:

"To all intents and purposes the strike was a lightning strike, and, to use the words of the *Labour Gazette* for May, 1928, at page 752, 'owing to the strenuous propaganda carried on by certain labour leaders in favour of a general strike by holding mass meetings and intimidating the operatives in the working mills, the number of mills closed began to increase steadily from the 23rd, and by the 26th all the cotton mills in Bombay except one had to be closed and nearly 1½ lakhs of textile workers were thrown out of employment'."

Now, this *Labour Gazette* practically makes it out that the whole blame for this general strike was on the side of the workers, and not on the employers, but I am glad to find that the Committee has taken a somewhat impartial view of this matter and, after giving this extract from the *Labour Gazette*, the Committee says:

"This however should not be taken to mean that the men had no grievances. Had it been otherwise it would not have been possible for a handful of men to keep so many workers on strike for a period amounting very nearly to six months."

Now, that shows that there can be two sides to a fight, and just as there is some right on the side of the employers, you should expect that there should be some justice on the side of the workers also. Therefore I again come back to the Report and say that it embodies a number of useful things. The second part of the volume contains the evidence of about 106 witnesses, and if there is to be a comparison between the evidence recorded by these witnesses and the opinions which Government have received in these papers, I have no hesitation in saying that the opinions of these 106 persons who stood cross examination before this judicial committee must have immensely superior value attached to them by any impartially minded man.

Now, I have referred to 17 grievances, and my point was that the grievances would be the same in all industries. The decisions arrived at by this Committee, apart from the evidence recorded in this Report, are also very useful, and there are also specific decisions and results with reference to each particular grievance which was the cause of the strike. That also is very useful. All this material would be useful in order to enable us to decide whether lightning strikes were justifiable before or not. Supposing the workers had justice entirely on their side,

why should they not be entitled to go on lightning strikes? These poor workers have nobody to befriend them, and they are pitted face to face with powerful employers. If justice is entirely on the side of the workers, why should they not use the only method that they have got in their hand—of going on a general and lightning strike? Therefore a perusal of this Report would give an insight to us to judge how far the measures proposed in the present Bill are justifiable or are not justifiable.

Now, I would like to mention another point. The point has been raised as to why Government should be in a hurry with this Bill. I am going to give you the reason for this. Neither the employers nor the employees are, at this particular moment, in a hurry to proceed with this Bill. Here is Mr. Chaman Lall, speaking for the labour world, and the absence of my friend Sir Purshotamdas Thakurdas in his place is evidence enough to show that the employers do not care that this particular Bill should go through immediately. If he were anxious, as an employer, to proceed with this Bill, he would have been present at his place. I do not think it will be denied that Sir Purshotamdas Thakurdas is a great employer himself.

An Honourable Member: He has paired.

Mr. N. C. Kelkar: He would not have paired if he had thought this Bill to be of such importance. Therefore, I maintain that it is clear evidence of the fact that the employers do not want to proceed with the Bill. Here is Diwan Chaman Lall speaking on behalf of the workers, and he also does not want to proceed with the Bill. Therefore, the only party which is in a hurry to proceed with this Bill is the Government. I will give you the reasons for their hurry. It has been admitted by the Member in charge that the present Bill is based upon the English Act. Now that Act was passed, as the Members will remember, after the general strike of 1926 in England. In my last speech on the Public Safety Bill I dealt with this point and pointed out that it was Sir John Simon who played mischief with regard to the general strike, by using his little agile legal finger and throwing the whole burden on the shoulders of the workers. The Labour Party was afraid, at that time, to cope with judicial decisions against them in a matter like this, because the trade union funds were in jeopardy. That was the reason why the general strike was called off. It was not called off because there were no merits on the side of the workers. Now, what happened after that was that the Conservative Government came forward with this Bill, and passed it in spite of the opposition, tooth and nail, by the Labour Party. That is the point to be remembered. If my memory serves me aright the leaders of the Labour Party, though they did not advise a general strike like that, still opposed this Bill in Parliament. In fact, they vowed that, if they again came into power, they would repeal and do away with the Act. I ask the House to rivet its mind on this declaration by the members of the Labour Party in Parliament. The significance is this and it will also clear the position as to why the Government is in a hurry. The general election is coming on in May next. Who knows that the Labour Party may not come into power? And who knows that, if they do come into power, they may not make up their mind and apply their energies to this Act? Immediately they come into power, they will make themselves responsible, I fancy, for introducing a Bill for repealing the present Act. Now, Government knows this very well, as

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well as we do. So, they are proceeding in a hurry with this Bill as the Labour Party may come into power and do away with the present general strikes Act, on which the present Bill is based. If that happens, and supposing this Bill were postponed till September and the Labour Party succeeds in doing away with the present law on the Statute-book, the whole of this Bill will fall to the ground. Government, therefore, are in a hurry. (*Applause from the Swarajist Benches.*) Therefore, my point is this, that neither do the workers want to proceed with this Bill, nor do the employers want to proceed with it; it is only the Government who want to proceed with it for the particular reason I have just mentioned. Even if it is only for that malicious end, I will oppose the Bill and support the dilatory motion.

Again, I will deal with this Report in a constructive spirit and not in a destructive spirit. If the Government wants us, the Members of the Assembly, to apply our minds in a judicial frame of mind to the merits of the Bill, they ought to give us time to read this Report and to know its contents. You should supply us with the copies of the Report and postpone this measure till the September session, when the Bill will be considered on its own merits. That is all I have to say in support of the motion. I have touched both aspects of the case, even if it is regarded as a dilatory motion or otherwise.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, this Trade Disputes Bill is equally important with the so-called Public Safety Bill and therefore it requires serious consideration of the Members of the House. Sir, we were under the impression that the Public Safety Bill would take two or three days as it is a very important measure, and the Trade Disputes Bill would be taken after that, but to our pleasant surprise it has been postponed, and it would be much better if it could be postponed for good. Sir, everybody knows that there are some industrial troubles in the country, and besides these troubles there are other kinds of troubles too all over the country. But the Government do not know how to deal with the situation. The Government have been behaving like a mad cat.

Mr. President: Order, order. Honourable Members must use dignified language in this House.

Mr. Ram Narayan Singh: If the expression used by me is unparliamentary, I withdraw it. What I wish to convey to the House is this, that Government are thinking of this measure and that measure, but they are not thinking of the right measure. My Honourable friend, Mr. Chaman Lall, has already quoted several opinions to show that no labour union has supported the Bill. I think the right measure to take is to take into confidence the people's representatives and the representatives of the Trade Union Congress, and in consultation with them, Government should try to find out the ways and means for putting an end to these troubles. When my friend, Mr. Chaman Lall, was quoting the opinions, my Honourable friend, Sir Bhupendra Nath Mitra, said that he had read all the opinions supplied to him. But I say that he has uselessly read them. What is the use of reading them if he is not convinced by them? Sir Darcy Lindsay said that he could not follow my friend, Mr. Chaman Lall. How could he follow him when their angles of vision differ? Sir Darcy Lindsay is one of

those men who want to exploit the Indian labour and my friend, Mr. Chaman Lall, is one of those who want to prevent the exploitation. How can the two pull on together?

The proposal now is that the Bill be re-circulated for eliciting public opinion thereon. The Bill was already referred to the Select Committee. It was good of us, the Members of the Congress Party, that we allowed it to go before the Select Committee. Not only that, we consented to be members of that Committee. If you will look at their Report, you will see that out of 19 members of the Select Committee 9 members were against it. Sir Darcy Lindsay said that the Select Committee had laboured a lot. What labour have they done? The Bill has been supported only by those members who are Government members and by those members who are generally the supporters of Government. As there is no harm in postponing the consideration of the Bill, I think it will be wise on the part of the Government to accept the motion. With these words, Sir, I support the motion moved by Mr. Chaman Lall.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the principle underlying the provision of law which enables a Bill to be re-circulated, for the purpose of obtaining public opinion thereon, seems to be, that if a Bill has undergone substantial changes and alterations in the Select Committee and has emerged in quite a different form it may be re-circulated. For instance, the Bill which was introduced by my Honourable friend, Rai Sahib Harbilas Sarda, about penalising early marriages. That Bill had undergone substantial changes in the Select Committee and it was therefore right and proper that a motion for circulation should be moved in order to elicit public opinion. If the changes to which a Bill is subjected in Select Committee are such that the public has not had an opportunity to express an opinion on, then and then alone it is right that the Bill should be re-circulated for public opinion, but if the Bill has not undergone such substantial changes and alterations in Select Committee, then I do not think that the Bill should again be circulated and public opinion be invited.

Going into the Report of the Select Committee on this Bill, we find that the Bill has not undergone such substantial changes. In fact the Select Committee itself did not consider it proper that the Bill should be re-circulated. In the end of their Report they clearly say:

"We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended."

A perusal of this Report also shows that some Honourable Members have appended to the Report Minutes of Dissent. In these Minutes of Dissent we also find that none of the Honourable Members have recommended the re-circulation of the Bill.

(*An Honourable Member interrupted at this point, but the interruption was inaudible at the Reporters' table.*)

He may have moved it now. It might have been an afterthought, but when he had an opportunity of writing his note of dissent calmly sitting in his room, he did not consider it proper to make a recommendation of this nature.

The Bill has already gone through the stage of the Select Committee and there seems to be no reason why the special procedure of re-circulation should be adopted at this stage. There is no question of hurrying the Bill. All the stages of a Bill prior to consideration have been gone through and

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the natural course is that the Bill should be taken into consideration. I don't think if the Government move that the Bill should be taken into consideration at this stage, the Government want to hurry the Bill.

My Honourable friend, Mr. Kelkar, has referred to the chances of the Labour Party coming into power at the next election, and probably he thinks, if the Labour Party come into power, they will alter the English Act on the model of which the present Bill has been drafted. But my Honourable friend has already seen the attitude of the Labour Party towards Indian problems when they were in office for a short time. It was then that the Bengal Regulation came into existence, so that we have no reason to believe that, if the Labour Party come into power they will help us at all.

Mr. N. O. Kelkar: They will not do anything for India, but they will repeal their own Act.

Maulvi Muhammad Yakub: They may do whatever they like for England but I don't think they will change their attitude towards Indian questions from what it was when they were in office. This argument, therefore, has no weight.

For these reasons I consider that there is no necessity that the Bill should be re-circulated.

Mr. M. S. Aney (Berar Representative): Sir, my Honourable friend, Sir Darcy Lindsay, in his short speech, in opposing the motion, 4 P.M. remarked that my Honourable friend, Diwan Chaman Lall, was rather late in bringing this motion; and that he should have presented all his arguments at the time when the motion for referring the Bill to Select Committee was made. The motion is for re-circulation of the Bill for eliciting public opinion thereon, and I believe that under the Standing Orders, a motion for re-circulation like this can only be made *after* the Select Committee's Report is made and not *before*! There is nothing illegal about it. I of course understand what Sir Darcy Lindsay meant to say. He wanted to urge that the bringing of this motion at this stage was unfair to the Members of the Select Committee who had laboured hard in preparing their Report.

Those who have read this Report of the Select Committee cannot but be struck with the number of dissenting minutes appended to it. With regard to the most controversial part of this Bill, we find 7 or 8 dissenting minutes appended. When we find that responsible Members of this Committee have sat together and deliberated over the matter for days together and taken as much time as they possibly could, and yet they could not come to some reasonable understanding about the most controversial part of the Bill, it evidently means that the subject requires to be considered further and more seriously and that those who are vitally concerned must also be consulted and be given an opportunity of having their say on the points at issue. If we well-informed men even could not come to any agreement on certain points that affect the labour of the country, then it is only fair that labour itself should have an opportunity of considering the opinion of the Select Committee, which is by no means a unanimous opinion of the body, but only an opinion of a fraction of those Members who constituted the Select Committee. Had the Report been one of a unanimous nature or at any rate, of the overwhelming majority of the Committee, it would

have been quite a different matter. And that is the reason why I think that my friend, Diwan Chaman Lall, was right in insisting upon this House re-circulating the Bill to elicit public opinion thereon. I think that, under such circumstances, it is neither unfair to the Members of the Select Committee who recommended the Report, nor to those who appended Minutes of Dissent.

A second point which, in my opinion, is also very important was made out by my friend, Mr. Kelkar, and I think that it also requires to be seriously considered. What, after all, is it that Diwan Chaman Lall wants this House to do? He wants this Bill to be sent back for public opinion. It is virtually asking this House, after a careful perusal of the Report, to review the decision it had taken when the Bill was submitted to Select Committee for consideration, owing to the discovery of an important document which deals with the very questions which are sought to be settled by the present Bill before actual passing of the same. A document of that nature has come into existence now. Mr. Kelkar, who happened to have a copy of it, has gone partly through that document, and he says that, after perusal of only a part of that document, he finds that most of the points which ought to be properly understood by Members of this House have been very carefully considered by a committee appointed by the Bombay Government, and it is possible for Members of this House to find some very useful material for forming their judgment on the very issues which this Bill wants to settle. It is a well known rule of civil procedure—I don't know whether my Honourable friend, Sir Bhupendra Nath Mitra, has had at any time during his service the advantage of working as a judicial officer—but I desire to submit to him it is a well known rule that, even in the case of judgments which have got finality about them and are incapable of being reconsidered, ordinarily, whenever a new and important document bearing on the facts in issue which could not be available with due diligence before has been discovered, that is considered a strong ground for reviewing or reconsidering the previous decision, or remanding the case for a fresh decision.

Now we are only asking you to send back this Bill. The Public and this House also should have some reasonable time to consider and review the conclusions of the Select Committee in the light of the recommendations made by another important Committee appointed by the Bombay Government. It is an eminently reasonable case for reviewing the decisions of the Select Committee, and that can only be done if we get a reasonable time to go through that document and understand the conclusions therein and try to apply those conclusions to the particular issues which this Bill aims at solving and settling in a particular manner. So, these are the reasons, I find, on which the demand for re-circulation of this Bill for eliciting public opinion thereon appears to be eminently reasonable, and I do not think that the Government are going to lose anything at all by giving some more time to the Members of this House to consider this question coolly with the help of the additional material. It will certainly be on the other hand, a source of enabling the Honourable Members to study the question better and thereby help the Government also in solving the intricate questions which the Government want them to solve now and immediately. The Honourable Sir Bhupendra Nath Mitra has not, in the speech made today, given us very strong reasons for proceeding with this Bill now at this very moment. He has brought in this motion in the ordinary course after the Select Committee has finished its labours. But as there was going to be

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a motion for a reasonable demand of this nature which he certainly must have anticipated from the amendment on the agenda of which he had ample notice, it was expected that the Honourable Member would refer to that point in his speech and give us some very strong reasons for proceeding with the Bill immediately, and not allowing it to be delayed by sending it back for eliciting public opinion thereon. He virtually gave us no reasons of that kind, and we could therefore imagine no other reasons to exist, except such as my ingenious friend, Mr. Kelkar, tried to place before this House. If they are the only reasons—and certainly there can be no other reasons for immediately dealing with this Bill, then I say, without hesitation, that this House must also seriously consider whether the Government will be justified in proceeding, or whether we shall be justified in allowing the Government to proceed with the measure immediately. If the reason, as my Honourable friend, Mr. Kelkar, put it very pithily, is nothing more than an apprehension, that a little delay might probably mean the loss of this Bill altogether to the Government in the next session owing to a possible change of Government in England during the few months to come, then I believe it is a very strong reason for this House also to insist upon sending this Bill back to the public for eliciting their opinion, and to give those who are vitally concerned one more opportunity to consider the conclusions which are being arrived at by the Select Committee, and to express their opinions thereon and enable this House to judge of the merits of this case in the light of such opinions as may be expressed by the country hereafter, and also in view of the conclusions arrived at in the Report of the other Committee to which my Honourable friend, Mr. Kelkar, had already referred. For these reasons I strongly support the motion of my Honourable friend Diwan Chaman Lall.

Mr. Jamnadas M. Mehta: (Bombay City: Non-Muhammadian Urban): Sir, I rise to oppose the motion for taking this Bill into consideration and to support the motion for re-circulation made by my Honourable friend, Diwan Chaman Lall. I am sorry that the Deputy President thinks that, because the Select Committee had given sufficient time and a long time to the consideration of the Bill, that in itself is a sufficient reason for not re-circulating the Bill.

Maulvi Muhammad Yakub: I did not say so.

Mr. Jamnadas M. Mehta: I am glad he did not say that, but still he opposed the motion for re-circulation. If the House will turn to the signatories of the Report of the Select Committee, the House will find that nobody is interested in the carrying of this Bill today or in this session through the Legislature, not even the Government. I find, Sir, that out of nearly 17 or 18 Members who have signed the Select Committee's Report, nearly 8 Members are absent. They did not even care to know what the fate of the Bill might be, either one way or the other. Of the remaining Members four or five are definitely here to plead for re-circulation of the Bill. Out of the remaining four, my Honourable friend Mr. Fazal Ibrahim Rahimtulla is not satisfied with the Bill as it is. He wants that the picketing clause should be there, and that is a very great and important ground for re-circulating the measure. I am sure that, as for the official Members, and their other supporters, the Honourable Member in charge confessed, on the floor of this House, that he was not

satisfied with the changes that had been made in the Select Committee and it was only out of sheer necessity that he was not opposing them, although he does not like the Bill. If that is the case, I want to know who is for the Bill as it is. Not one person has risen and said that he likes the Bill as it stands. I think the motion of my Honourable friend, Diwan Chaman Lall, is the only right amendment, namely, that the public should be given a further opportunity to pronounce itself upon the merits or the demerits of this measure, before it can be brought forward in this House for final decision and disposal. For these reasons, I think there is a complete case for re-circulation of the measure. As regards the consideration of the Bill itself, I think the House should refuse consideration to this Bill on account of the reasons that I am going to mention. The Preamble to the Bill says:

"Whereas it is expedient to make provision for the investigation and settlement of trade disputes and for certain other purposes"

Now, Sir, "certain other purposes", under the rules of interpretation, should be such as are on a line with the previous sentence, namely the making of provision for the investigation and settlement of trade disputes. The other provisions also should be such that they will settle trade disputes, instead of fomenting them. But unfortunately for this Bill, there are clauses and provisions in the Bill which are calculated precisely to undo what the previous clauses are intended to do. If clauses 1 to 14 are intended to conciliate and to investigate, clauses 15 and onwards are definitely calculated to prevent any settlement and to foment discontent and bitterness and to prolong the agony of quarrels between employers and the employed. It is extraordinary that these two contradictory provisions should be jumbled together in a single Bill and the consent of the House should be asked upon it. They are entirely discordant and the want of homogeneity in the Bill is so patent that the House will be justified in simply sending it back for eliciting public opinion.

Apart from that discordant note in the Bill itself, the provisions of the Bill are very far-reaching and very reactionary, and are calculated to defeat the object which the Bill has in view, or which it professes to have in view. Take, for instance, the definition of what is called, "The public utility services". Now, Sir, I have found, greatly to my regret, that the phrase, "public utility service" has been entirely misconceived. A "public utility service" is ordinarily understood to be a service in which profiteering should be prevented. When we talk of public utility service, we mean that those services are such wherein, at any rate, private profiteering should be excluded or profiteering should be eliminated or kept down to a minimum level. That is the meaning of a public utility service; for instance, the supply of gas or electricity or a tramway service or a railway service or any transport service, or any service in which the public at large have an interest. Therefore, in the interests of the public, profiteering in such cases alone should be eliminated, or at any rate rendered as low as possible. That is the meaning of public utility service. When we talk of a service as a public utility service, we generally mean that legislation should be so arranged that the public will be mulcted as little as possible in the actual carrying out of that service. That is the meaning of public utility service. It is therefore wrong to use that definition for the purpose of making or passing a piece of legislation in which you want to make a strike illegal and criminal. There is nothing in common between these two ideas, and there is a real misconception of the

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term, "public utility service". There is an entire misconception of the scope of a public utility service from the point of view of profiteering and from the point of view of making a strike therein criminal or illegal. It is the confusion of these two ideas that has led to the present Bill. I want the House to clearly keep in mind these two broad and important distinctions in the public utility services—that is from the point of view of profiteering and from the point of view of making a strike therein illegal and criminal. I shall explain the position very clearly, Sir, in order that the House may not have any shadow of a doubt that this legislation is based on misconception. For instance, Sir, take the case of a tramway company. A tramway company is a public utility service. It is a service which is very convenient and comfortable to the people in the ordinary routine of life. Therefore, when municipalities allow a private company to run a tramway service, the municipality is expected to take care that the tramway service does not degenerate into a profiteering concern and does not raise the rates and fares for the passengers to such a high level that the transport in the city or in that particular area results in profiteering to the private investor. Therefore we find that six per cent. or five per cent. or eight per cent. is made the limit of interest which a public utility service can allow its investors to draw. But that is entirely a different idea from making a strike in that service a criminal thing. If you want to prevent profiteering; I certainly appreciate it; but if you want to make a strike in that service criminal or illegal, I refuse to follow you. Why should a tramway service, for instance, be considered so vital to the existence of society that a strike in that service should be considered criminal? What is there in it? I do not think, in the Select Committee, any answer was attempted to be given or any explanation was attempted to be given in regard to this differentiation between a public utility service from the point of view of profiteering and from the point of view of making a strike therein illegal or criminal. And that is the question which still remains unanswered, that you cannot treat a service as a public utility service both for the purpose of preventing profiteering and for the purpose of making a strike therein illegal or criminal. You may legitimately prevent profiteering in a public utility service, but it is not just for you to try to prevent a strike in that service by making it illegal or criminal. The tramway service, as I said, is a service from which the public derives great comfort and convenience. But why should the tramway men be obliged to serve in a tramway company on pain of being clapped into jail for striking without notice?

The Honourable Sir Bhupendra Nath Mitra: I do not want to interrupt the Honourable Member; but I shall be grateful if he will point out to me that the definition of the term "public utility service" includes the tramway service.

Mr. Jamnadas M. Mehta: I am simply taking an example, Sir. I shall take the railway as an example if you like. Take the railway service, for instance, the Frontier Mail service of the Bombay, Baroda and Central India Railway. Nobody, unless he is moonstruck, will say that a strike on that railway, particularly with regard to the Frontier Mail, should be treated as criminal. What is the utility, what is the public utility, of the Frontier Mail? Perhaps it is this: that a few American globe-trotters

coming every Saturday to Bombay, go in spacious and luxurious saloons with big corridors, and luxuriously furnished compartments, in which they travel. And if there is a strike in that service, this legislation will come to the assistance of the Government, and enable them to launch a prosecution. What is the public utility of the Frontier Mail, I ask? Let the Honourable Member tell me the utility of the Frontier Mail which induces him to treat a strike in that service as a criminal affair?

The Honourable Sir Bhupendra Nath Mitra: There is sufficient public utility in all railways in general, and it is not possible to discriminate one line from another. We discussed that point with the Honourable Member in full in the Select Committee.

Mr. Jamnadas M. Mehta: We discussed it to no purpose; you could not deny that the "Frontier Mail service" is not mainly intended for the globe-trotters' excursions in which the tourists or the pleasure-seekers could go jaunting across the country. And you want the House to believe that the jaunting about of these pleasure-seekers should be made so invulnerable and sacred that people striking in that service should do so only at the peril of their liberty.

Mr. President: Has the Honourable Member travelled by that train?

Mr. Jamnadas M. Mehta: I have travelled in that train, Sir, but I do not want any strike in that service to be made illegal or criminal. Although we travel there in great comfort and convenience and pleasure, I do not wish that any strike there should be made criminal or illegal. I would regard myself as a criminal if I wanted to make a striker on that service a criminal. It may be a pleasant and a convenient and a comfortable journey, it may be a very nice thing; but I deny that that service can, by any stretch of imagination, be considered such a great public utility service that a strike there should be made illegal or criminal. Well, Sir, I certainly fail to see, and I am sure the Honourable Sir Bhupendra Nath Mitra failed to satisfy me, that a strike in that service can, by any stretch of imagination, be treated as criminal. Why should a wage-earner, if he has a serious grievance, if he has been suffering long and continuously, if he strikes work without giving notice, what justification is there for treating that humble individual as a criminal? Is it to be because you have included in the definition of a public utility service a railway service? Similarly, there is the telephone service, there is the telegraph service, there is the postal service. What is the utility in all these services which should make you treat the strikers in these services as criminals? It is true the postal service is very convenient to the people; true it is that because of the telegraph service, you receive news quickly from your relations and friends; so also in the postal service, you have got so many conveniences, you receive your letters, newspapers, etc., in good time; there is also the telephone service, and in cases of urgent necessity you can ring up immediately—true, those are all modern amenities of life which we all welcome and appreciate. But I think it argues a complete misconception of the organisation of society to suggest that, because these things cater to our conveniences and pleasures, therefore the human beings engaged in those services shall not strike, even if they have a grievance. I think such a conception is most primitive and savage and cannot but result in making bond-slaves of workmen in these services. And the House should be the last to countenance any such attempt on the part of the Government. That is my main objection to

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consideration of this Bill on account of this grievous flaw in the definition of public utility services. What the Honourable Member in charge really meant, I think, and what everybody will agree with him if he really meant it, is that strikes should be made impossible in such services as are vital to the existence of society. That is what he really means or ought to mean. There is the water-supply service; there is the light service and suchlike services, without which society cannot ordinarily keep together. In such services I entirely agree with him, and everybody will agree with him, that no individual should be allowed to have any interest against society. That is a proposition which I understand and which I appreciate and which I entirely support—that a service in which the very existence of society is threatened, the very normal life of humanity is interfered with, or is challenged, say, the water-supply, I do not care what the grievances of the workmen may be—they should not cut the water-supply of a community because society will be crushed as a result. But, Sir, do you want the railway service with the same intensity with which you want water? (*An Honourable Member*: "Yes.") I admire your courage if you think that water-supply and railway travel stand on the same footing. I do not think so myself. . . .

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Are you going to travel on foot from here to Bombay?

Mr. Jamnadas M. Mehta: Even if I did not want to do that, I do not want that a man should be made a criminal for my convenience. What Honourable Members who support this Bill forget is this, that these things are comforts, conveniences, pleasures, luxuries; but they are no more vital than the telephone or a typewriter for the matter of that. I do not want to put the railway service on a greater footing than a typewriter. It is a convenience and nothing more. It writes quicker and the railway takes you quicker—that is all. But the water-supply, the light service, the milk supply, the sanitary service, these are things which are absolutely necessary to human existence, and therefore a strike in these services must be prevented legitimately. . . .

Sir Darcy Lindsay: Would the Honourable Member throw some light on the subject as to why light is a necessity?

Mr. Jamnadas M. Mehta: Because without light my friend will grope in darkness.

Sir Darcy Lindsay: I am willing to grope in darkness.

Mr. Jamnadas M. Mehta: I think it is obvious that, without light, everybody must grope in the darkness: we cannot carry on our ordinary, normal human existence. I do say, Sir, this misconception, this confusion of a public utility service with what are really social security services is at the bottom of this Bill, and makes the Bill mischievous and entirely unacceptable; and the judgment of Honourable gentlemen is so much warped by the pleasure and comforts that they have enjoyed, that they forget that water-supply and sanitary services cannot be placed on the same footing as telephones or telegraphs. They do differ. The difference is vital and fundamental. Of course it is no use arguing with people who cannot appreciate the difference between social security services and public utility services; and therefore unless the Honourable Member in charge is prepared to stick only to those services which are vital to the existence

of humanity and to nothing more, he cannot possibly have our support. Clause 15 runs as follows:

"Any person who, being employed in a public utility service, goes on strike in breach of contract without having given to his employer, within one month before so striking, not less than fourteen days' previous notice in writing of his intention to go on strike, or, having given such notice, goes on strike before the expiry thereof, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both."

Sir, here comes the real objection. If you really think that these so-called public utility services should be discouraged, by all means try to do so. But why make them criminal? There is the legal remedy. If there is a breach of contract, you can always sue for damages. Why should you brand the striker further as a criminal? Sir, some of us by sheer force of habit come to regard workers as our bond-slaves. They think that the rest of mankind is born simply to administer to their pleasures and their wants, and to look after themselves only after these pleasures and luxuries are satisfied. It is this fatal mentality, this wrong conception of human relations, this entirely reactionary idea about the mutual obligations of mankind in society, it is this perverted notion of what workers should be treated like that has led to this Bill, and particularly clause 15 and subsequent clauses. You must disabuse your minds of this, that because a man is your servant, he is therefore bound to be your slave. Unless you do that, you will regard clause 15 as ordinary and natural; but if you regard your fellow human being as entitled to equal rights and equal opportunities of doing good to himself and to his family, to work or not to work as he likes or not, unless you bring to bear that kind of mentality, it is impossible for society to retain the respect of those who are today trying to bring social justice into our present perverted social system.

But, Sir, let us take it for granted that Government are right. I have already submitted that it is entirely unnecessary, it is entirely wrong, unjust and iniquitous to treat strikers in these so-called public utility services as criminals—I say it is entirely wrong and we should not do so; but supposing you regard that it is necessary, even then, this clause 15 is entirely unnecessary. Justice Wort of the Patna High Court has clearly said, in the opinions which have been received in the course of circulation, that in section 43, read with section 120(a) of the Indian Penal Code, you have a complete protection against such strikes. Why do you want this Bill at all? Sir, the punishments that are provided in the Indian Penal Code are even more rigorous and more stern—not that I agree that this should be so, but Justice Wort points out that you have no case for fresh legislation.

Mr. K. Ahmed: What about the conciliation boards for settlement?

Mr. Jamnadas M. Mehta: Then the difference between clause 15 and the conciliation boards in earlier clauses is as fundamental as that between heaven and hell; and if you confuse clause 15 with the earlier clauses, I cannot argue with you. It shows a complete misconception or ignorance of the Bill that is now before the House. (*Mr. K. Ahmed*: "Hear, hear".) Clause 15 makes certain strikes illegal and criminal, and Justice Wort says that it is entirely unnecessary for you to do so, because section 43 and section 120(a), read together, will amount to a complete protection against any such strikes because they will amount to conspiracy to do an illegal thing, and therefore criminal.

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For all these reasons, Sir,—firstly, that it is absolutely iniquitous to make strikes in the so-called public utility services criminal; secondly, that, even if you think that they should be made illegal, they should be confined not to the so-called public utility services, but only to such services as are indispensable to the existence of humanity; and thirdly, that, under the Indian Penal Code, they are already illegal, and rigorous punishment is provided—more rigorous than you need—and therefore for all these reasons, clause 15, at any rate, is entirely unnecessary and should therefore be deleted.

Then, Sir, I shall come to clause 16, because even more objectionable than clause 15 is clause 16. No doubt, in the Select Committee, some slight amendment has been made, and, to that extent, the rigour of that clause, has been slightly softened. But that does not touch the real objection to the clause as it stands. The real objection to the clause is that it takes within its purview political propaganda; it wants to discourage political propaganda under the garb of suppressing what are called general or sympathetic strikes. I ask, Sir, why should a measure calculated to promote the settlement of industrial strikes take into account political propaganda or political agitation and try to kill political propaganda under the ostensible garb of settling or preventing trade disputes? That is a fatal objection to clause 16. Sir, if you will read clause 16, the object behind it will be perfectly clear. It says this:

"A strike or a lock-out shall be illegal which (a) has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers looking out are engaged; and (b) is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action."

Now, is there anything in this which suggests, even remotely, anything about industrial disputes? And yet, in a Bill which is supposed to settle industrial strikes, clauses are included which are calculated to touch matters which are entirely non-industrial. Why should that be done? If you want these clauses, better include them in your Public Safety Bill, because their object is patently political. "Anything which is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action". Sir, supposing we want to compel the Government to take a particular course of action: supposing we want that the detenus under Regulation III of 1818 shall be released. Now, it will be admitted that this Regulation III of 1818 is a most barbarous and primitive measure. It was put into force at a time when conditions in India were not settled. It was not intended that a civilised Government should apply such a Regulation in times of peace; nearly 110 years after that Regulation was passed, and yet everybody knows, innocent young men in their scores and dozens have been taken away from their homes and clapped into jail in Mandalay or kept under confinement in solitary cells, in prolonged illness, until some of them have gone mad; some of them have become invalids for life, others have died, and homes have been broken and families have been ruined. You have barbarous measures on the Statute-book, which you put into force for the curtailment of public liberty. Now, supposing we want, as a national protest, to organise the workers, to organise society and to organise public opinion against your use of these barbarous and despotic

measures,—and it would be our honourable and most sacred duty to do so, to organise a national strike against the continued use of this barbarous and despotic measure, I mean the Regulation III of 1818,—supposing we want to do that, what will you say? You will come down on the workers under section 16 if this measure becomes law. Supposing we strike in Calcutta and Bombay and elsewhere; supposing we organise a strike of all workers, a strike of dhobies, strikes of tramway men, or strikes of any other industries like the telephone services, postal services, and so on, (An Honourable Member from the Muslim Party: "Strikes of scavengers"), simply to compel you to discontinue the use of Regulation III of 1818, you will say that these strikes are calculated or designed to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government to take or abstain from taking any particular course of action. Therefore, you will treat them as general strikes or as what you call sympathetic strikes, illegal strikes, and make them punishable.

Is this House going to countenance a measure of this character, which is calculated to kill all political agitation? If the nation takes up a movement to make it impossible for Government to use some of their archaic and despotic powers, you will come forward with this Act and then say that this House has passed it, and you will clap thousands of men into jails simply because they have assisted in the enforcement of the fundamental and elementary right. I ask the Honourable Member in charge to say whether this Bill is calculated to do this or whether it is not. Can he deny that this is the only and inevitable result that will follow? He cannot. If an agitation is taken up by the Indian National Congress for the purpose of preventing the use of Regulation III of 1818, will you not come down upon us, under this Bill, if it becomes law? I say, Sir, you will be entitled, under this Bill, if it becomes an Act, to come down upon all organisers and all those who participate in such a movement. The Honourable the Law Member will not deny that Government will be entitled, under this Act, if it becomes law, to come down upon the strikers and demonstrators on the ground that they inflict severe, general and prolonged hardship upon the community and compel Government to take, or abstain from taking, any particular course of action.

Mr. K. Ahmed: Government will be justified in doing so.

Mr. Jamnadas M. Mehta: It is a pity any fellow-Indian should think that Regulation III of 1818 should be allowed to be used to crush a propaganda of the kind I am describing.

Mr. K. Ahmed: Against the demonstrators.

Mr. Jamnadas M. Mehta: Why should it be used against the demonstrators or against anybody? I say that the use of Regulation III of 1818 will continue unabated if this clause 16 is made part of this Bill, and therefore I offer the most determined opposition to it. Take the arrest of a man like Mahatma Gandhi. Supposing you arrest him or any man on a trumped-up or frivolous charge of burning cloth. Supposing you continue to do that on a large scale; supposing public opinion thinks that this is wrong and improper, and supposing a strike of mill workers or tramway workers takes place, then clause 16 will come into operation. Strikes for

[Mr. Jamnadas M. Mehta.]

objects which are not industrial and which are calculated to compel Government to take a particular course of action shall come under the ban of this measure and make people who participate in these strikes, criminals, liable to be clapped into jail. Therefore, Sir, the political object behind this Bill comes out in all vividness, in all nakedness, and I hope every Honourable Member, who values the personal liberty of his fellowmen, the personal liberty of the subject, and everybody who is against the use of these arbitrary powers and archaic measures of the kind I have described, will put his foot down on clause 16 and also on the other clauses of the same kind.

Then, Sir, there is a third objection to clause 16, which I wish to bring to the notice of this House. The protagonists of this Bill have told us that the object of this Bill is to promote a healthy growth of the trade union movement in this country. Now, Sir, their words are at entire variance with their deeds. Clause 16 and the other clauses give the direct lie to the professions of anxiety for the healthy development of trade unions in this country. Can any trade union of a healthy kind foster or grow or develop under conditions which are imposed by clause 15 or clause 16? A healthy trade union is made impossible. This clause 16 is simply a copy of a similar provision in the Trade Disputes Act, 1927, of England. If it could result in the healthy growth of trade unions in England, it was not necessary because trade unions are developed to perfection there, and yet in England a measure of this kind is passed because these trade unions have become a great eyesore to the powers that be. Therefore the legislation of 1927 has been enacted in England for the purpose of putting down trade unions, and not for the purpose of helping the growth or fostering the growth of the trade union movement—for the putting down of trade unions because they become unpleasant to the political imperialists and capitalists. The whole Labour Party were against it, even those who were against the general strike, even men like Mr. Ramsay Macdonald. Mr. Ramsay Macdonald at that time was not in England when the Bill was before the House of Commons. He rushed from across the American continent,—I think he had gone to America at the time. He was an invalid, and yet he was brought to the House of Commons for the purpose of showing that every Labour Member, to a man, was deadly opposed to that attempt of the Government there to interfere with the solidarity of the trade union movement in England. Can it be said that this clause 16 can have the result of fostering the healthy growth of the trade union movement when the entire labour movement in England refused to take it as a healthy thing for the labour movement over there? And as has been pointed out again and again, it has been the avowed object of the Labour Party in England, declared in no ambiguous terms, that the moment the Labour Party comes into power it shall be amongst its first objects to annul and to remove from the Statute-book such a great blemish on legislation. Sir, clauses 15 and 16 and other cognate clauses are political in their aim, political in their purpose, and have nothing to do with the healthy growth of trade unions, or with the settlement of trade disputes, or with anything that has any real organic connection with industries or labour as such; they are wholly extraneous and exotic things with ulterior objects.

Apart from this, there is an essential inherent injustice in some of these clauses, even on the footing that the Bill itself is a necessity. For

instance, it has been provided that the sanction of the Government must be necessary before any action can be taken under clause 15, the idea being that there should be no hasty action, nor any ill-considered false step. That is all right. So far as any action against a worker is concerned, I think it is a healthy provision that, unless the Government sanction the prosecution, there should be no action possible. Against the undue zeal and hurry of the employers this is a healthy precaution. But what about the circumstances where some action against an employer is to be taken? Under this Bill, amongst the employers, figure the various Government departments, Postal, Telegraph, Telephone, the Railway Department, and so on

Mr. President: Order, order. I desire to know how long the Honourable Member will take.

Mr. Jamnadas M. Mehta: Sir, I am fairly half way through my speech.

Mr. President: The Honourable Member is not in a position to finish by five o'clock?

Mr. Jamnadas M. Mehta: Then, Sir, there is this clause that when an employer is to be put in the dock, the sanction of the Government must be obtained. That is certain to stand in the way because amongst the employers are, as I said, the Postal Department, the Telegraph Department, the Telephone Department, the railway services. And the railway services are such a huge organisation, seven lakhs of people or even more are employed by the various railway services. The oppression and tyranny of the petty officials over these poor ill-paid people are notorious, and whenever they have a grievance, unless the Government sanction the prosecution, no Court can take cognisance of it. Now, I ask whether it is possible to expect that any sanction will be forthcoming for the prosecution of Government officers when the poor workmen of a trade union in a railway service are the aggrieved party. Is it possible, I ask in all earnestness, that Sir Bhupendra Nath Mitra will sanction the prosecution of a Postmaster-General, or the Director General of Telegraphs, or whether the Honourable Sir George Rainy will sanction the prosecution of Mr. Hayman or Mr. Rau or the Agent of the various railways? Is it conceivable? And yet you pretend that you have treated the employers and the employed on the same footing. You say you are treating strikes and lock-outs on an equal footing. You are the person to sanction prosecution. You are the person to be prosecuted. Is it human, is it even rational to expect that you will sanction your own prosecution? You may try to persuade Honourable Members behind you, but no man outside those Benches will accept your proposition that, when you are to be prosecuted, and you are to sanction the prosecution, you will easily sanction it

The Honourable Sir Bhupendra Nath Mitra: I am not to be prosecuted.

Mr. Jamnadas M. Mehta: What I mean to say is your subordinates, the various Government Departments are to come under this Bill. If you really mean that illegal lock-outs should be treated as criminal, if you really mean that, you must provide such a method for bringing home to these delinquents their own faults and shortcomings and then it should be possible to reach them by an honest, earnest and genuine effort. Otherwise you are giving a right by one hand and taking it away by another. For instance, it was suggested in the Select Committee that if an employer was a Government servant—I will assume that against a private employer—the Government would easily give sanction

Mr. President: Order, order. The Honourable Member is treading now on delicate ground. He is referring to something which happened in the Select Committee.

Mr. Jamnadas M. Mehta: It is already mentioned in the minutes of dissent, and it is also mentioned in the Report. A whole paragraph has been devoted by the Select Committee to this point. Sir, I was saying that I would assume that Government would give permission to prosecute a private employer. There again I have serious doubts. If it happens to be the Assam tea planter or the European jute manufacturer or any important interests which are so dear to Government, then, in the case of illegal lock-outs, any sanction from Government is a thing which is next to impossible. But I will assume that in the case of the private employer the necessary sanction will be forthcoming in a proper case, although it is a great admission. But if it is a Government department like the Railway or the Telegraph or the Telephone, or the Post, I say that sanction is absolutely impossible to obtain unless you provide it by a more simple and a more direct method. Therefore we had suggested that, if any trade union figures in a dispute, and any illegal lock-out is complained of, if that trade union, by holding an extraordinary meeting, comes to the conclusion, by a majority of three-fourths, that the prosecution of the employers should be launched, and if that extraordinary Resolution is confirmed by another extraordinary meeting of the same trade union, then sanction should be deemed to have been obtained. That is what we have proposed in the Select Committee.

Now, Sir, if these unorganised or helpless workers, who are just beginning to learn their rights, are to be given the real right to prosecute an illegal lock-out by an employer, that should be a real right. It should not be a mere farce. It should be such as is tangible, which he can handle and easily put into force and therefore a provision of the kind that we suggested, namely, that an extraordinary Resolution of a trade union affected by a trade dispute or lock-out, confirmed by another extraordinary Resolution should be sufficient to give the sanction requisite under this Bill. That was denied. Further, a great injustice is done to the trade unions by protecting what is called blacklegging. We have brought it out in the minute of dissent where we say that the protection given to blacklegs in clause 17 amounts to an improper interference with the internal administration of trade unions, because the idea is to protect this man by compelling the trade unions to continue him still as a member. If the trade union is going to be treated as a really autonomous organisation, where the powers of management of its own organisation and funds is to be unhampered by any extraneous influence, this kind of right should not be conferred on a blackleg for the purpose of forcing himself on a trade union when he is not wanted by the majority of his own colleagues. That cannot lead to a settlement of trade disputes. It cannot lead to fewer strikes . . .

Mr. President: Perhaps the Honourable Member would like to continue tomorrow morning.

Mr. Jamnadas M. Mehta: Yes, Sir.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 3rd April, 1929.

LEGISLATIVE ASSEMBLY.

Wednesday, 3rd April, 1929.

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

QUESTIONS AND ANSWERS.

PROVISION OF A SCHOLARSHIP FOR POST-GRADUATE TRAINING OF BACHELORS OF COMMERCE IN FOREIGN COUNTRIES.

1438. ***Mr. Siddheswar Prasad Sinha:** (a) Have Government made any provision for a scholarship for the post-graduate training of Bachelors of Commerce in special subjects in foreign countries?

(b) If the answer to part (a) be in the negative, do Government propose making such provision at an early date? If not, why not?

The Honourable Sir George Rainy: (a) The Government of India have not made any such provision.

(b) No; the matter is within the competence of the Local Governments.

EXPENDITURE INCURRED ON THE NORTH-WEST FRONTIER OWING TO THE TROUBLES ACROSS THE BORDER.

1439. ***Mr. Gaya Prasad Singh:** (a) Will Government be pleased to state if any additional expenditure has been necessary to meet the situation on the North-West Frontier, owing to troubles across the border? If so, how much?

(b) Is it a fact that appropriations from the savings of other Departments have been made to meet the requirements of the Foreign Department in this connection; and if so, how much?

Sir Denys Bray: The information is being collected and will be supplied to the Honourable Member in due course.

PASSENGER FARES AND GOODS FREIGHTS ON STATE RAILWAYS AND COMPANY RAILWAYS IN INDIA.

1440. ***Mr. Gaya Prasad Singh:** Will Government be pleased to lay on the table a statement showing separately:

- (i) passenger fares per mile on the State railways, and Company railways in India, for 1st, 2nd, Intermediate and 3rd classes?
- (ii) goods' freight per mile on the above railways?

Mr. P. R. Rau: (i) I lay a statement on the table giving the passenger fares per mile on Class I Railways in India.

(ii) A similar statement with regard to goods rate would be too bulky, and its preparation would involve a very great amount of labour. As the Honourable Member is no doubt aware, commodities are divided into 10 different classes for purposes of freight rates, and only maxima and minima freight rates for each class have been fixed by the Railway Board, between which railway administrations are at liberty to quote such rates as they think desirable. A statement showing the maxima and minima rates for each class was placed on the table by Mr. Parsons on the 29th January, 1929, in reply to question No. 215 by Mr. Mukhtar Singh. If the Honourable Member wishes to have further details of the actual rates quoted for any particular commodity and on any particular railway, I would refer him to the General Classification of Goods published by the Indian Railway Conference Association, or to the Goods Tariff of the railway administration concerned.

First and Second classes.			Inter class.		3rd class.	
Railways.	Distances in miles.	Pies per mile.		Railways.	Distances in miles.	Pies per mile.
		1st class.	2nd class.			
R. & K.	(i) Bareilly-Kathgodam, Moradabad-Ramnagar and Lalkua-Kashipur sections— All distances	36	15	R. & K.	(i) Between Kathgodam and Kichha.	4
	(ii) Lucknow-Bareilly section including branches and Bareilly-Kasganj sections— All distances	36	15		(ii) Between Kichha and Bareilly and Moradabad-Ramnagar and Lalkua-Kashipur sections and Bhojpur and Kasganj.	3
		18	9		(iii) Between Lucknow and Bhojpur including branches.	2½

†1441.

INQUIRY INTO THE BACKWARD STATE OF EDUCATION IN THE NORTH-WEST FRONTIER PROVINCE.

1442. *Maulvi Muhammad Yakub: (a) Will Government be pleased to state what is the percentage of literacy in the North-West Frontier Province and Baluchistan, and how does this percentage compare with the more advanced provinces of Bangalore and Coorg, and the areas of Delhi and Ajmer-Merwara? Is it a fact that, while there is a predominance of Muhammadans in the former, non-Muhammadans predominate in the latter?

(b) Will Government be pleased to state what action, if any, they are taking to bring the education of Muhammadans in the North-West Frontier Province in line with the more advanced areas under the direct control of the Government of India like Bangalore?

(c) Will Government be pleased to state the population, number of schools, primary, secondary, and colleges in:

North-West Frontier Province,
Baluchistan,
Delhi,
Ajmer-Merwara,
Bangalore and Coorg?

(d) Will Government be pleased to state which of the above provinces will be selected for inquiry, and what are the principles upon which the provinces will be selected for inquiry? Will Government be pleased to state whether the provinces at present showing the least percentage of literacy are being included in the inquiry? If not, why not?

(e) Will Government be pleased to state if the Education Secretary's announcement referred to includes inquiry into the condition of education of the backward classes, that is the Muhammadans, in the areas under the direct control of the Government of India like the North-West Frontier Province and Baluchistan, and are Government responsible for providing special facilities for their education?

Mr. G. S. Bajpai: (a) The Honourable Member is referred to the reply given by me to part (b) of Mr. Muhammad Ismail Khan's question No. 1273.

(b) As I showed in replying to Mr. Muhammad Ismail Khan's question No. 1273 on the 27th March, 1929, the greater portion of the financial provision made under the quinquennial programme of education for the directly administered areas is to be spent in the North-West Frontier Province and Baluchistan. If the Committee, which will soon be appointed, makes other recommendations for improving education in the North-West Frontier Province, its proposals will be carefully considered.

(c) A statement giving the information asked for is laid on the table.

(d) The provinces to which the inquiry will be confined are the North-West Frontier Province, Ajmer-Merwara and Delhi. It was decided, after consulting the Local Administration to exclude Baluchistan from the scope

† Question withdrawn by the Questioner.

of the proposed inquiry because of the nomadic character of its population, and the other smaller areas on account of their scattered nature and the smallness of their population.

(e) The inquiry will include the North-West Frontier Province. Government are anxious to provide educational facilities for all classes, consistently with their resources.

Statement showing the Population and the Number of recognised Primary and Secondary Schools and Colleges in Certain Administered Areas.

Area.	Population.	Primary Schools.	Secondary Schools.	Colleges.
North-West Frontier Province ..	2,251,340	617	122	4
Baluchistan	383,624	74	19	..
Delhi	488,188	181	47	7
Ajmer-Merwara	495,271	156	37	1
Bangalore	118,940	72	21	2
Coorg	163,838	108	3	..

APPOINTMENT OF MUSLIMS IN THE GENERAL POST OFFICE, DELHI, AND ITS TOWN SUB-OFFICES.

1443. *Maulvi Muhammad Yakub: (i) Will Government be pleased to state the number of clerical staff, including sub-postmasters, employed in the General Post Office, Delhi, and its town sub-offices?

(ii) What is the number of town sub-offices and number of Hindus and Muslims appointed in charge of them?

(iii) What is the number of permanent and officiating sub-postmasters among them and how many of them are seniors and how many of them juniors who have been appointed to these posts?

(iv) Is it a fact that, since the establishment of a Head Post Office in Delhi, the posts of Head Clerk and Accountant are always held by Hindus?

(v) Is it a fact that the papers regarding the transfer of Muslim employees are dealt with by the Accountant, which are more often adversely noted on by him?

(vi) Is it also a fact that, on Sundays, the postal staff in the General Post Office, Delhi, is posted on duty, turn by turn, but the Accountant, the Head Clerk and his Assistant are exempted? If so, why?

(vii) Do Government propose to take steps for appointing some Muslim Head Clerks and Accountants to safeguard the interests of the Muslim staff?

(viii) Is it a fact that there are four posts of Town Inspectors in Delhi, all of which have been held by Hindus for the last decade or two? If so, are Government prepared to consider the desirability of appointing some Muslim Inspectors also?

The Honourable Sir Bhupendra Nath Mitra: The information is being collected and a reply will be given to the Honourable Member in due course.

NUMBER OF MUHAMMADANS ENGAGED ON THE STAFF OF VARIOUS TOURING COMMITTEES IN THE LAST THREE YEARS.

1444. *Maulvi Muhammad Yakub: (a) Will the Government of India be pleased to state how many touring committees or commissions for inquiry into different subjects, for example, the Age of Consent Committee, Road Committee, etc., were appointed during the last three years? What has been their personnel, both clerical and higher, and how many of them have been Muhammadans and how many Hindus?

(b) Will Government be pleased to state what total amount of money was paid as salary to Hindu members and clerks, and how much to Muhammadans, and why a very small share has been paid to Muhammadans?

The Honourable Mr. J. Orerar: (a) and (b). I shall send the Honourable Member a copy of the statements of commissions and committees which were supplied to Rai Bahadur Tarit Bhusan Roy and Mr. Vidya Sagar Pandya, which will, I hope, give substantially the information he requires. I regret I cannot undertake to collect separate detailed figures for the clerical establishment.

APPOINTMENT OF HINDUS ON THE STAFF OF THE PROPOSED HAJ COMMITTEE.

1445. *Maulvi Muhammad Yakub: (a) Is it a fact that a Haj Committee is about to be appointed? Is it a fact that it purely affects Muslims and so its personnel, both members and clerical staff, will be recruited from amongst Muslims?

(b) Is it a fact that one, Mr. Haqiqat Rai, from the Railway Board is being appointed as Superintendent, while a very significant portion of the clerical staff is recruited from the Hindus?

(c) Will Government be pleased to state why they are ignoring the claims of Muslims for a committee which is purely a concern of Muslims. If they are not ignoring Muslims' claims, then will Government be pleased to state if they propose to keep a Muhammadan majority in the staff with a Muhammadan Superintendent?

Mr. G. S. Bajpai: (a) The appointment of the Haj Inquiry Committee and its personnel were announced on the 26th March 1929. With the exception of the Chairman, all the Members and the Secretary are Muslims. The selection of the clerical staff for the Committee is the concern of the Chairman.

(b) and (c). Mr. Haqiqat Rai was an applicant for the post of Superintendent, but a final selection has not yet been made. I have already stated that the selection of the staff is the Chairman's concern, who will

doubtless give due consideration to the claims of Muslim candidates, provided that they are adequately qualified for the duties to be performed.

Mr. Gaya Prasad Singh: May I know, Sir, what the clerical staff has got to do with the deliberations of the Committee?

Mr. G. S. Bajpai: I think the Honourable questioner will be able to answer that question better.

Mr. Gaya Prasad Singh: My question was directed to the Honourable the questioner (Maulvi Muhammad Yakub) and not to you.

Maulvi Muhammad Yakub: My answer to the question is that it is not the deliberations of the Committee for which this question is put, but we want the representation of our community on all Committees and all branches of the service. When any Committee is appointed, it is said there is no experienced Musalman. If the Musalmans are not allowed to act on some Committees, how will they acquire experience? It is for this reason that we wish to draw the attention of the Government.

Mr. K. Ahmed: May I ask your ruling, Sir, as to whether an elected Member can ask another elected Member to give an answer?

Mr. President: It has been asked and answered.

Mr. K. Ahmed: But what is the ruling, Sir, which we may have to follow later on?

(No answer.)

PROGRESS MADE IN BROADCASTING IN INDIA.

1446. ***Maulvi Abdul Matin Chaudhury:** (a) Will Government be pleased to state what progress broadcasting has made in India?

(b) Are Government aware that the Indian Broadcasting Company has, during the last eighteen months of its working, suffered heavy losses?

(c) Is it a fact that the loss is in a great measure due to the evasion of the provisions of the Telegraph Act by people who have installed wireless receivers?

(d) Are Government aware that many wireless importers evade payment of the 10 per cent. tribute due from them to the Indian Broadcasting Company, and thereby reduce the legitimate income of the Company?

(e) Have Government received any representation from the Indian Broadcasting Company on the subject, and if so, will Government be pleased to lay it on the table of the House?

(f) If the reply to part (e) is in the affirmative, will Government be pleased to state what action is proposed to be taken to ensure that the Company is not deprived of its legitimate income?

(g) Will Government be pleased to state whether they propose to support a broadcasting service in this country, and if so to what extent?

The Honourable Sir Bhupendra Nath Mitra: (a) Broadcasting has now been carried out from Bombay and Calcutta for approximately 1½ years by the Indian Broadcasting Company under agreement with the Government

of India. Considerable progress has been made, but the revenue of the Company is not at present sufficient to pay for the service.

(b) Yes.

(c) On the information available to Government this would be to exaggerate the importance of this factor, though evasion undoubtedly does occur.

(d) Government are so informed by the Indian Broadcasting Company.

(e) Government have received a number of such representations from the Indian Broadcasting Company but do not propose to lay them on the table particularly as the matter is still under consideration.

(f) With reference to evasion of the Telegraph Act, Government have appointed two investigating inspectors and the Director General of Posts and Telegraphs is now considering, in consultation with the Company, what further steps should be taken to enforce the law. With reference to the tribute, Government have indicated the legal remedies which are available and are awaiting further action by the Company.

(g) The matter is under consideration of Government.

Maulvi Abdul Matin Chaudhury: In view of the educative value of broadcasting, is Government prepared to guarantee a fixed dividend to the Company?

The Honourable Sir Bhupendra Nath Mitra: I am not in a position to make any statement on that point.

REFUSAL OF LEAVE TO THE SUPERIOR ESTABLISHMENT OF THE NORTHERN INDIA SALT REVENUE DEPARTMENT.

1447. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state if it is a fact that the superior establishment of the Northern India Salt Revenue Department is in a majority of cases refused leave, even when leave reserve hands are available?

(b) Is it a fact that, during the last three years, there have been several cases in which senior clerks were obliged to retire because they were refused the leave due to them?

(c) Will Government be pleased to state the number of such clerks and the leave due to each at the time of his retirement?

(d) Do Government propose to take measures to ensure its non-recurrence in future?

The Honourable Sir George Schuster: (a) The reply is in the negative. In no case has leave been refused when an official on the leave reserve has been available, and at times, as happens to be the case at present, leave has been granted to more clerks than the sanctioned number of the leave reserve.

(b) and (c). These parts of the Honourable Member's question can most satisfactorily be answered together. As the reply is of some length and contains a mass of details I lay the reply on the table.

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(d) Leave, even though technically due, cannot be claimed as of right by any Government servant. If possible, however, it is usually granted, subject always to consideration of the public interest. I may also state that, when an officer is declared by competent medical authority to be unfit for further service, the general rule is that he should be retired forthwith, although the rule is at times relaxed.

After reviewing the cases to which the Honourable Member has drawn attention, the Government of India consider that the clerks in the Northern India Salt Revenue Department have received fair, and in cases, generous, treatment and do not propose to issue any orders in the matter.

Nine clerks have retired during the last three years. Four clerks, while on leave, were declared unfit for further service by medical boards. Three of these clerks were granted leave not due—in two cases up to six months, in the third case up to three months, while the fourth, after being invalided, was granted six months leave out of one year four months due. Two clerks retired at their own request, on the expiry of 9 months and 10 months' leave, respectively. In the former case leave amounting to two years eleven months was due; in the latter, details are not at the moment available, but will be ascertained and communicated, with other similar information, to the Honourable Member in due course. The facts of the remaining cases are as follows:

(i) The clerk had been absent on leave for two years and 20 days when he returned to duty on September 27, 1928. In January last he asked for the balance of the leave due to him—6 months 15 days—but before orders were passed on his leave application, he asked to be relieved on a particular date either on leave or retirement. He was permitted to retire.

(ii) In this case the clerk asked for certain leave, but as a large number of clerks were already on leave, he was informed that, unless he appeared before a medical officer, he could only be granted leave up to a certain date when he would have completed a year on a certain rate of pay. The clerk, who had already intimated that he was incapable of serving Government any longer, and wished to retire in the near future, elected to retire on receiving the order mentioned. Information regarding the amount of leave due is not available at present.

(iii) The clerk was on leave on average pay for 5 months and 13 days, of which 3 months and 13 days were on medical certificate. During his leave, he asked for an extension for one year, but, as the number of clerks on leave was large and work was suffering, the clerk was informed that further leave could not be granted unless he produced a medical certificate. He elected to retire. In this case also the amount of leave due cannot be stated at the moment.

ABOLITION OF THE POST OF DEPUTY COMMISSIONER, NORTHERN INDIA SALT REVENUE DEPARTMENT.

1448. *Mr. Mukhtar Singh: (a) Is it a fact that an officer was placed on special duty in the Central Board of Revenue during 1927, to go into certain affairs concerning the Northern India Salt Revenue Department?

(b) Is it a fact that he recommended the abolition of the post of Deputy Commissioner, Northern India Salt Revenue Department?

(c) Is it a fact that the Government of India were pleased to accept his recommendation but did not propose to carry it into effect till the new Commissioner had run the Department for six months?

(d) Is it a fact that about a year has passed since the new Commissioner had taken over charge of the Department?

(e) Will Government be pleased to state why no action has yet been taken and when they contemplate abolishing the post?

(f) Do Government propose to see that this matter is hurried up?

The Honourable Sir George Schuster: (a) Yes. Mr. Strathie, I.C.S., was placed on deputation under the Central Board of Revenue, but the reorganisation of the Northern India Salt Revenue Department was only one of his numerous duties.

(b) The question of abolishing the post of Deputy Commissioner, Northern India Salt Revenue Department, had been under consideration before Mr. Strathie was placed on special duty. Mr. Strathie was asked to examine this question also in the course of his work in the Department. He recommended the abolition of the post of Deputy Commissioner and also that of Personal Assistant to the Commissioner and suggested the creation, in place of the two posts, of a single post of Secretary or Personal Assistant to the Commissioner of a rank between that of the present Deputy Commissioner and that of the present Personal Assistant.

(c) The Board were disposed to accept Mr. Strathie's opinion, but deferred making any recommendation to the Government of India until the present Commissioner had acquired complete knowledge of the Department.

(d), (e), and (f). Mr. Hoyle, the present Commissioner, assumed charge of his office at the end of May, 1928. He has been requested to communicate his opinion to the Board as soon as possible, and the Government of India hope to reach a decision at no distant date.

ACTIVITIES OF THE KERN INSTITUTE OF LEYDEN, HOLLAND, REGARDING THE STUDY OF INDIAN CIVILISATION AND ANTIQUITIES.

1449. *Mr. K. O. Neogy: (a) Are Government aware of the activities of the Kern Institute of Leyden in Holland regarding the study of Indian civilisation and antiquities?

(b) Have Government received any request for financial assistance on behalf of this Institute at any time? If so, for what purposes and with what effect?

(c) Has the attention of Government been drawn to the Annual Bibliography of Indian Archæology published by this Institute, and particularly to the foreword thereof, in which reference is made to the refusal of the Government of India to make a small grant-in-aid towards its publication?

(d) Are Government aware that the Government of the Dutch Netherlands in India makes an annual contribution to this Institute?

Mr. G. S. Bajpai: (a), (c) and (d). Yes.

(b). Yes. The Institute asked for and now receive an annual contribution of Rs. 600 from the Government of India towards the cost of publishing their Annual Bibliography of Indian Archæology.

GRANT OF STERLING OVERSEAS PAY TO ANGLO-INDIAN OFFICERS OF RAILWAYS.

1450. *Mr. K. C. Neogy: (a) Will Government be pleased to state their policy in the matter of granting sterling overseas pay to Anglo-Indian officers of the railways?

(b) How many Anglo-Indian and Indian officers, respectively, in the different railways are in receipt of sterling overseas pay? If there is any distinction in the matter of overseas pay, or special pay in lieu thereof, as between Indian and Anglo-Indian officers of the railways, will Government be pleased to explain the reasons?

(c) Is it a fact that a number of Anglo-Indian railway officers, who were originally treated on the same footing as Indian officers, in the matter of special pay in lieu of sterling overseas pay, have gradually been granted the benefit of sterling overseas pay? If so, why and what is the number of such cases in each railway?

(d) Are these Anglo-Indian officers regarded as statutory Indians?

Mr. P. R. Rau: (a) The grant of sterling overseas pay is regulated by the Superior Civil Services Rules, 1925, a copy of which is in the Library. Only those who satisfy the conditions of non-Asiatic domicile prescribed in Appendix B to Schedule IV to those Rules are granted sterling overseas pay. Anglo-Indians, in so far as they are statutory natives of India, are not eligible.

(b) As I have already explained, there are no officers of Asiatic domicile in receipt of sterling overseas pay. Except on the Bombay, Baroda and Central India Railway, there is, so far as I am aware, no distinction in the matter of special pay, in lieu of overseas pay, between Indian and Anglo-Indian Officers. The Railway Board have taken up the question with this Railway Company, who, I understand are reconsidering the matter. In this connection I would refer the Honourable Member to the reply given by Mr. Parsons to Rai Sahib Harbilas Sarda's question No. 527 on the 11th February 1929.

(c) I believe there is a certain number of officers who could not originally prove their domicile as non-Asiatic, but have since been able to do so. Information as to the number of such cases is not available, but I shall be prepared to collect it, if desired, but, as many cases are still under investigation, the information cannot be complete at present.

(d) Such officers as have proved their domicile to be non-Asiatic can obviously no longer be regarded as statutory natives of India.

Mr. K. C. Neogy: Are these officers considered to be Indians for the purpose of inclusion in the Statistical information appended to the Railway Board Report under "Indian"?

Mr. P. R. Rau: No officers who have proved their domicile to be non-Asiatic can be included as Indians.

ALLEGED RUDE TREATMENT OF INDIANS BY EUROPEAN OFFICERS UNDER MR. PEARCE, AGENT, EASTERN BENGAL RAILWAY.

1451. *Mr. K. C. Neogy: (a) How many Indian officers of the Eastern Bengal Railway have preferred appeals to the Railway Board on the ground of supersession, rude treatment by European officers, etc., since Mr. Pearce assumed charge as Agent of that Railway?

(b) How many Indian officers of the Eastern Bengal Railway applied for transfer to other railways during this period, and generally on what grounds?

Mr. P. R. Rau: (a) Three Indian officers appealed to the Railway Board during the period. One of them appealed on the ground that he had not been promoted from the Local Traffic Service to the Superior Service; another because the Agent proposed to stop his increment; and the third because he was called upon to pass a special departmental examination before being certified fit to hold charge of a senior scale post.

(b) In addition to the above officers, who also asked incidentally for a transfer to other Railways, two other Indian officers applied for transfer on grounds of ill-health.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF MUSLIMS AS APPRAISERS AT VARIOUS PORTS.

434. Mr. A. H. Ghuznavi: (a) Will Government be pleased to state:-

- (1) the total number of appointments of Appraisers, Assistant Appraisers, and Preventive Officers separately at each of the ports of Calcutta, Bombay, Karachi, Madras and Rangoon;
- (2) the number of Hindu, Muslim, Anglo-Indian and European officials in the services; and
- (3) the percentage of Muslims at each port separately, as compared to the percentage of other communities?

(b) In view of the small percentage of Muslims in the Appraiser and Preventive Service, do Government propose to issue instructions to the various Collectors of Customs to give preference to Muslim candidates until an adequate representation is attained?

The Honourable Sir George Schuster: (a) A statement giving the information asked for by the Honourable Member is placed on the table.

(b) The policy of the Government of India in regard to the representation of minority communities in the public services has been explained in this House more than once. This policy, which is to reserve one-third of all vacancies for the purpose of redressing communal inequalities, will be adhered to.

Statement showing the number of Hindus, Muslims, Anglo-Indians, Europeans, etc., employed on 31st December, 1928, as Appraisers, Assistant Appraisers and Preventive officers at the ports of Calcutta, Bombay, Karachi, Madras and Rangoon, and the percentage of Muslims and other communities.

Name of Custom House.	Hindus.	Muslims.	Anglo-Indians.	Europeans.	Others.	Total.	Percentage of Muslims.	Percentage of other communities.
Calcutta— Appraisers	10	3	16	3	5	37	8	92
Preventive officers	35	20	183	11	4	253*	8	92
Bombay— Appraisers	28	5	7	1	26	67	7	93
Preventive officers	4	1	62	6	14	87	1	99
Karachi— Appraisers	14	1	3	1	15	34	3	97
Preventive officers	8	5	23	4	1	41	12	88
Madras and Outports— Appraisers	5	..	5	2	..	12	..	100
Preventive officers	97	6	24	3	8	138	4	96
Rangoon and Outports— Appraisers	..	1	9	..	2	12	8	92
Preventive officers	..	..	85	15	3	103	..	100

The term "Appraisers" includes Assistant Appraisers employed at Calcutta, Examining Appraisers at Bombay and Madras and Examiners at Karachi. Assistant appraisers are not employed at any other ports.
The term "Preventive Officers" includes Inspectors. It also includes Sub-Inspectors employed at the minor ports in the Madras Presidency and excludes lower division officers in Madras and Burma. Wharfingers, Assistant Wharfingers and Tally clerks.
*Two posts were vacant on 31st December, 1928.

SOUTH ARABIAN ANTIQUITIES IN ADEN.

435. **Mr. Muhammad Yamin Khan:** (a) Are Government aware that a very valuable collection of South Arabian Antiquities in Aden is going to be exported to America?

(b) What steps are Government going to take to keep this collection, which has been considered to be unique by archaeological authorities, in the territories controlled by the Government of India?

Mr. G. S. Bajpai: (a) Government have no information.

(b) Does not arise.

DESTRUCTION OF LAWNS IN NEW DELHI BY CATTLE.

436. **Mr. Muhammad Yamin Khan:** (a) Are Government aware that cattle graze in the evening on the lawns laid out by Government in New Delhi and destroy the lawns?

(b) Do Government propose to protect these lawns for which Government spend large sums of money?

(c) What steps do Government propose to take to prevent such things happening?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are aware that illicit grazing has taken place, but not of such frequency as to destroy lawns.

(b) and (c). Efforts are being made to stop such grazing by means of prosecutions and the impounding of cattle.

DESTRUCTION OF TREES IN NEW DELHI.

437. **Mr. Muhammad Yamin Khan:** (a) Are Government aware that people cut away branches of trees in New Delhi to use as fuel?

(b) Are Government aware that the culprits are mostly the people entrusted to guard the trees?

(c) What steps do Government propose to take in the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, not for the purpose of fuel, but during the recent fodder famine, trees were stripped by surrounding villagers to feed their cattle.

(b) No.

(c) Prosecutions have been and will be instituted where sufficient evidence is obtainable.

ACCEPTANCE OF C. I. F. QUOTATIONS IN TENDERS FOR ROLLED STEEL JOISTS FOR THE NORTH WESTERN RAILWAY.

438. **Haji Abdoola Haroon:** (a) With reference to the reply to my question No. 223 (c) in the Legislative Assembly on 15th February, 1929, will Government be pleased to state the circumstances under which the c. i. f. quotations were accepted by the North Western Railway, in spite of clear instructions to delete the instructions to that effect from the tender?

(b) Are Government aware that c. i. f. Karachi quotations do not include Customs duty, Port Trust wharfage, clearing charges, and other expenditure for putting the material on rails, while all these are included in f. o. r. Karachi quotations? If so, will Government be pleased to state the amount per cwt. taken into account by the Railway to cover all these charges, while comparing the c. i. f. quotations with f. o. r. Karachi quotations?

(c) Will Government be pleased to lay on the table of the House the comparative statement of quotations received c. i. f. as well as f. o. r. from all the tenderers?

Mr. P. R. Rau: The information asked for is being obtained from the North Western Railway, and I shall communicate with the Honourable Member later.

NAMES OF FIRMS IN KARACHI FROM WHOM TENDERS ARE INVITED FOR THE PURCHASE OF STORES FOR THE NORTH WESTERN RAILWAY.

439. Haji Abdoola Haroon: With reference to the reply given to my question No. 224 (b) in the Legislative Assembly on 15th February, 1929, will Government be pleased to state the names of the Karachi firms from whom the tenders are invited?

Mr. P. R. Rau: The information is being collected.

RECRUITMENT FOR THE SUBORDINATE RAILWAY ACCOUNTS SERVICE.

440. Mr. Mukhtar Singh: (a) With reference to Dr. Moonje's questions dated 30th January, 1929, will Government be pleased to state whether the competitive examination for recruitment to the Subordinate Railway Accounts Service will, as usual, be held in May 1929?

(b) If the answer to part (a) is in the negative, will Government state why this examination will not be held this year?

(c) Will Government please state the reasons for holding a competitive examination for the Office of the Controller of Railway Accounts when 44 graduates who passed the Subordinate Railway Accounts Service Competitive Examination (Part I) held in May 1928 are still unprovided for?

(d) Is it a fact that the underlying idea of holding the examination for the Office of the Controller of Railway Accounts is to afford facilities to Anglo-Indians, who could not succeed in the last Subordinate Railway Accounts Service Examination on account of the fact that they had to face competition with graduates of Indian Universities?

(e) If the answer to part (d) is in the negative, are Government prepared to consider the advisability of providing the 44 graduates that have already qualified at the last Subordinate Railway Accounts Examination, before holding any other competitive examination for the Railway Accounts Service?

Mr. P. R. Rau: I would refer the Honourable Member to the reply given by me to Mr. Siddheswar Prasad Sinha's starred questions Nos. 1319 and 1320 on the 28th March.

NUMBER OF BACHELORS OF COMMERCE RECRUITED BY THE IMPERIAL BANK OF INDIA AND CO-OPERATIVE CREDIT SOCIETIES.

441. Mr. Mukhtar Singh: (a) Will Government be pleased to state how many Bachelors of Commerce have so far been recruited by the Imperial Bank of India and the Co-operative Credit Societies?

(b) Is it a fact that, in the Indian Institute of Bankers recently opened at Bombay, several Bachelors of Commerce of Indian Universities were refused admission?

(c) If so, do Government propose to remedy this state of affairs?

The Honourable Sir George Schuster: The Honourable Member is referred to the answers given to similar questions asked by Mr. Siddheswar Prasad Sinha on the 28th March 1929.

APPOINTMENT OF BACHELORS OF COMMERCE AS INCOME-TAX OFFICERS.

442. Mr. Mukhtar Singh: (a) Will Government be pleased to state why Bachelors of Commerce who have received a specialised academical training in income-tax law and accounts, are not recruited to the post of income-tax officers?

(b) Are Government aware that the Income-tax Commissioner in the United Provinces did not take a single Bachelor of Commerce for the post of income-tax officers?

(c) Is it a fact that a 1st Division Bachelor of Commerce is rejected and preference given to a 1st Divisioner B. A. or B. Sc. for the post of income-tax officers?

(d) Are Government aware that, since the percentage of the aggregate number of marks required for a 2nd Division for the Bachelor of Commerce degree is normally equal to the percentage of marks required for a 1st Division for a B. A. or B. Sc., there are less than half a dozen 1st Division Bachelors of Commerce produced till now by the five Indian Universities?

(e) Are Government prepared to consider the advisability of giving preference to a 2nd Division Bachelor of Commerce over a 1st Division B. A. or B. Sc. at the time of recruitment for posts of income-tax officers?

The Honourable Sir George Schuster: Parts (a), (b) and (c) are almost identical with similar questions put by Mr. Siddheswar Prasad on the 28th ultimo, and part (e) is of the same purport. In replying to the present questions, I repeat the answers which I then gave:

(a) Bachelors of Commerce have been recruited for the post of Income-tax officer in several provinces.

(b) Yes.

(c) No.

(d) The Government are not in possession of the information.

(e) The possession of the degree of Bachelor of Commerce is taken into consideration in the selection of candidates, but the Government are not prepared to direct that preference be given to persons holding that degree. Candidates with the best all round qualifications will be selected, the object being to get a highly educated man who has proved his worth during the whole of his educational career.

NUMBER OF BACHELORS OF COMMERCE EMPLOYED IN THE LOWER
DIVISION OF THE GOVERNMENT OF INDIA SECRETARIAT.

443. **Mr. Mukhtar Singh:** (a) Will Government be pleased to state the number of Bachelors of Commerce employed in the lower division in the Government of India Secretariat and attached offices?

(b) Are Government aware that certain Bachelors of Commerce employed in the Offices of the Quartermaster General and the Director of Contracts were superseded by their matriculate confreres simply because the authorities concerned were not certain whether the Bachelor of Commerce degree is a degree like B. A. or B. Sc.?

(c) Will Government be pleased to state what qualifications are required for indexers for employment in the office of the Director of Public Information?

(d) Are Government prepared to consider the advisability of employing Bachelors of Commerce in the Office of the Director of Public Information?

The Honourable Mr. J. Crerar: (a) The information is being collected, and will be supplied to the Honourable Member in due course.

(b) and (c). I would refer the Honourable Member to the replies given on the 28th March to Mr. S. P. Sinha's questions Nos. 1324 and 1325.

(d) Selection will continue to be made from names recommended by the Public Service Commission.

APPOINTMENT OF MR. C. C. RYAN, ON RETIREMENT FROM THE NORTH
WESTERN RAILWAY, AS SUPERINTENDENT OF THE RAILWAY AREA
SCHOOL, LYALLPUR.

444. **Mr. Abdul Haye:** (a) Is it a fact that Mr. C. C. Ryan, on retirement from the North Western Railway, was appointed Superintendent of the Railway Area School, Lyallpur, on a higher salary than he was drawing before retirement?

(b) What special qualifications does he possess, and why has he been given more pay after retirement than before?

(c) Could not any other officer from the permanent cadre be appointed to fill up the post in preference to Mr. Ryan?

Mr. P. R. Rau: (a) Yes.

(b) Mr. Ryan has had a long experience of transportation work, and more particularly has intimate knowledge of train control, as established on the North Western Railway, where he brought the work of traffic control of the Lahore Division to a very high state of efficiency by his organising ability.

The pay of the post was fixed with reference to its duties and responsibilities.

(c) Mr. Ryan was appointed on account of his special qualifications.

APPOINTMENT OF A MUSLIM IN THE HEADQUARTERS OFFICE OF THE NORTH
WESTERN RAILWAY.

445. **Mr. Abdul Haye:** (a) Is it a fact that there is not a single Muslim Superintendent in the Headquarters, Divisional and others, of the North Western Railway? If so, are Government prepared to consider the claims of suitable Muslims whenever a vacancy occurs?

(b) Is it a fact that, in October last, the post of Office Superintendent, Delhi Divisional Office, was given to an Anglo-Indian guard with no special qualifications, educational or otherwise?

(c) Will Government be pleased to state how many Muslim and non-Muslim candidates came forward for this post and what were their qualifications?

(d) Is it a fact that the gentleman concerned was getting Rs. 80 per mensem as salary when he was appointed as Superintendent on Rs. 400 per mensem?

Mr. P. R. Rau: (a) Government have no information, but have no reason to believe that the North Western Railway Administration is not carrying out the policy of the Government of India regarding the representation of minority communities.

(b), (c) and (d). Government have no information. The matter referred to is within the competence of the Railway Administration, and Government have no doubt that the claims of all suitable candidates were considered before the selection was made.

APPOINTMENT OF AN EXTRA SUPERINTENDENT FOR THE DESTRUCTION OF
RECORDS AT THE HEADQUARTERS OFFICE OF THE NORTH WESTERN
RAILWAY.

446. **Mr. Abdul Haye:** Is it a fact that a special extra Superintendent has been appointed for destruction of old records in the Central Registry of the Headquarters Office, while previously this duty was performed by a Superintendent of Central Registry? Will Government state the reasons for creating this new post?

Mr. P. R. Rau: The appointment which the Honourable Member mentions is one which the Agent is competent to create, and the Government do not propose to interfere with his discretion.

MISUSE OF A PASS BY THE SUPERINTENDENT, C. M. O.'S OFFICE, NORTH
WESTERN RAILWAY.

447. **Mr. Abdul Haye:** Has the attention of Government been drawn to the note in the *Muslim Outlook* dated 11th November 1928, regarding the misuse of a pass by the Superintendent, C. M. O.'s Office, North Western Railway and if so, what action has been taken?

Mr. P. R. Rau: I have been unable to trace the note referred to. If the Honourable Member will send me a copy of it, I shall consider whether any action is necessary.

NUMBER OF MUSLIM AND NON-MUSLIM CLERKS RECRUITED TO DIFFERENT DEPARTMENTS OF THE NORTH WESTERN RAILWAY.

448. Mr. Abdul Haya: Will Government be pleased to state the exact number of Muslim and non-Muslim clerks recruited in different departments of the North Western Railway, especially in Headquarters' Office, North Western Railway and Divisional Superintendents' Offices after the issue of Government of India's Circular letter No. F.-176, dated 5th February, 1926, and what steps have been taken by the North Western Railway administration in giving effect to the recommendations of the Government of India regarding the representation of minority communities in the Railway Service?

Mr. P. R. Rau: Government have no information. They have no reason to believe that the North Western Railway Administration is not giving effect to the orders of the Government of India.

NUMBER OF MUSLIMS APPOINTED AS PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

449. Mr. Abdul Haya: Will Government be pleased to state the number of Apprentice Permanent Way Inspectors recruited in the North Western Railway since February 1926, and also state how many of them are Muslims?

Mr. P. R. Rau: I am calling for the information asked for in the first part of the question and will communicate with the Honourable Member on receipt of the reply.

PROFESSIONAL QUALIFICATIONS OF MESSRS. CAIRNS AND CLAYTON, CHIEF MEDICAL OFFICER, AND DEPUTY CHIEF MEDICAL OFFICER, NORTH-WESTERN RAILWAY.

450. Mr. Abdul Haya: (a) Will Government be pleased to state the professional qualifications of Messrs. Cairns and Clayton, the Chief Medical Officer and the Deputy Chief Medical Officer, North Western Railway, respectively, and their emoluments?

(b) Will Government be pleased to state if the services of Indian doctors with much better qualifications cannot be obtained on the same salary and if so, what delays the Indianisation of the Medical Department of the North Western Railway?

(c) Is it not a fact that the Chief Medical Officer and the Deputy Chief Medical Officer on the Eastern Bengal Railway are both Indians?

Mr. P. R. Rau: (a) The professional qualifications of these officers are as follows:

Dr. Cairns, M.B., Ch.B., D.P.H.

Dr. Clayton, M.B.B.S. (Durh.), D.P.H.,

R.C.P. and S. D.M.R.E. (Camb.).

(b) These two officers were specially selected for the North Western Railway as most suitable for the particular posts, in view of their previous experience of railway medical organisation. Of the remaining posts in the medical organisation of the North Western Railway, one has already been filled and another will be filled shortly, both by Indians.

(c) There is no post of Deputy Chief Medical Officer on the Eastern Bengal Railway. The officer who is at present officiating as Chief Medical Officer is an Indian.

APPOINTMENT OF A HINDU AS A VENDING CONTRACTOR FOR MUSLIM SWEETS.

451. Mr. Abdul Haya: (a) Is it a fact that Bishen Dass Mehta has the contract for the vending of Muslim sweets and bread at Amritsar, and if so, has the attention of the Government been drawn to the severe resentment of the Muslim public to this policy? If the reply is in the affirmative, will Government please state why this state of affairs is being allowed to continue and is there any precedent on the North Western Railway of a Muslim being a vending contractor for Hindus?

(b) Is it a fact that this Hindu contractor, who has also the travelling vending contract in the Colaba-Peshawar Express, was detected carrying an unbooked printing machine in a railway train?

(c) Is it a fact that, instead of being punished, this contractor has been given an additional refreshment room and dining car contract at Lahore, which was taken away from another contractor?

(d) Is it a fact that Bishen Dass Mehta is a brother of a member of the Railway Local Advisory Committee, and through his influence succeeds in obtaining different contracts at several stations on the North Western Railway?

Mr. P. R. Rau: Government have no information, but are making inquiries into the matter.

APPOINTMENT OF CANDIDATES WHO HAVE PASSED THE RAILWAY SUBORDINATE ACCOUNTS SERVICE EXAMINATION.

452. Mr. Abdul Haya: (a) Will Government be pleased to state whether it is a fact that a large number of candidates who have qualified themselves in the Railway Subordinate Accounts Service Examination held in November last have not yet been given the chance to officiate as Accountants?

(b) Is this large number due to the recruitment of the Training Reserve clerks and probationers?

(c) If so, what was the special need of recruiting them when there is already a surplus of qualified men?

(d) Is there any chance of their being taken in as Accountants on the separation of Accounts from Audit in April next, and has the Financial Commissioner for Railways or the Auditor General agreed to provide them? If not, do Government propose to see that they are given preference to those who are outsiders or who are not qualified or who qualify themselves later on?

Mr. P. R. Rau: (a) Yes.

(b) and (c). I am not sure to what the Honourable Member refers but if it is to the training school for accountants that was started at Calcutta, about November last, the answer is that it was anticipated that a large number of qualified and trained accountants would be required when the separation of accounts from audit was introduced on State-managed railways.

(d) The claims of these candidates will be fully considered along with those of others when the vacancies are to be filled.

PAY OF READERS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

453. **Mr. S. C. Mitra:** (a) Is it a fact that there is no difference in work of a high paid reader and a reader of comparatively low pay in the Government of India Press at Delhi?

(b) Is it also a fact that the nature of work performed by all readers is the same? If so, what are the reasons for sanctioning different grades of pay for the readers, namely ranging from Rs. 60 to Rs. 350?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state why no acting allowance is allowed to a junior reader who is to perform a senior reader's work when the latter goes on leave?

The Honourable Sir Bhupendra Nath Mitra: (a) The attention of the Honourable Member is invited to the reply given by me to his starred question No. 274 on the 30th January, 1929.

(b) No. The second part of the question does not arise.

(c) No acting allowance can be granted as the conditions laid down in Fundamental Rule 30 are not fulfilled when a junior reader performs the work of a senior reader.

GRANT OF LOCAL HOLIDAYS TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, DELHI.

454. **Mr. S. C. Mitra:** (a) Is it a fact that the portion of the Central Printing Office permanently stationed in Delhi observe the Government of India holidays over and above all the local holidays sanctioned by the Chief Commissioner in Delhi?

(b) Is it a fact that the other Government of India offices, which are permanently located in Delhi, enjoy all the local holidays as well as Government of India holidays?

(c) If the reply to the above be in the affirmative, will Government be pleased to state the reasons, why the employees of the Government of India Press, Delhi, are not allowed the local holidays?

The Honourable Sir Bhupendra Nath Mitra: Parts (a) and (b). Owing to intervention of holidays, it has not been possible to collect precise information regarding the holidays enjoyed by the Government of India offices permanently located in Delhi.

Part (c). The employees of the Government of India Press, Delhi, are allowed ten "closed" holidays in a year in addition to six communal holidays, on the analogy of the practice in the Government of India Secretariat offices. Local holidays may be enjoyed by the men subject to this limit. The Government of India consider that this is adequate for an industrial establishment like the Press, and they do not therefore propose to sanction any further increase in the number of holidays.

GRANT OF MORE HOLIDAYS TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS.

455. **Mr. S. C. Mitra:** (a) Is it a fact that the staff of both the Calcutta and the Aligarh Presses enjoy comparatively more holidays than those of the Delhi Press?

(b) Do Government propose to allow more local holidays to the Delhi Press? If not, why not?

(c) Is it a fact that the Government of India Press, Delhi, is allowed only ten closed holidays and six communal holidays in addition, in the course of a year?

(d) Is it a fact that the employees of the Press are required to attend office on closed as well as communal holidays? If so, what compensation leave is allowed to them in lieu thereof? If none, why? Do Government propose to allow compensatory leave?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the affirmative.

(b) and (c). The attention of the Honourable Member is invited to the reply given to his unstarred question No. 454.

(d) Employees of the Press are required to attend on holidays, when necessary, in the interest of the public service. The industrial staff of the Press is not granted any compensation leave, but is paid twenty-five per cent. over the ordinary rates for attendance on closed holidays. Government do not propose to allow compensatory leave.

FILLING UP OF TWO POSTS OF READERS IN THE GOVERNMENT OF INDIA PRESS.

456. **Mr. S. C. Mitra:** (a) Is it a fact that the Reading Branch of the Government of India Press, Delhi, have been working short-handed for a considerable time?

(b) If the reply is in the affirmative, why then have the two posts of readers in the Rs. 60—100 grade not been filled up?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

APPOINTMENT OF ADDITIONAL STAFF TO THE READING BRANCH OF THE GOVERNMENT OF INDIA PRESS.

457. **Mr. S. C. Mitra:** (a) Is it a fact that, due to abnormal pressure of work, additional staff has been entertained in almost all the branches of the Government of India Press, Delhi, including the clerical branch?

(b) Will Government be pleased to state why no additional staff had been taken in the Reading Branch, which had been working so short-handed?

The Honourable Sir Bhupendra Nath Mitra: (a) Additional temporary staff has been engaged when and where required.

(b) The regular staff of the Reading Branch was considered adequate to cope with the work.

APPOINTMENT OF MR. ADAMS AS A COPYHOLDER IN THE GOVERNMENT OF INDIA PRESS, DELHI.

458. **Mr. S. C. Mitra:** (a) Is it a fact that Mr. Adams worked as a copy-holder for a considerable time on two or three occasions in the past, and that each time he fell under reduction?

(b) Is it a fact that the said Mr. Adams has at present been employed as a roller caster (a coolie's job)? Is it a fact that Mr. Adams approached the Manager for being employed as a copy-holder again?

(c) Is it a fact that men from outside were taken in as copy-holders? If so why has the experienced copy-holder, Mr. Adams, not been re-employed?

(d) Do Government propose to inquire about it and remedy the grievance of the employee?

(e) Is it a fact that there is a rule which requires the authorities to entertain the services of men who came under reduction, giving them a preference to outsiders? If so, why was that rule or convention not observed in the case of Mr. Adams?

The Honourable Sir Bhupendra Nath Mitra: (a) Mr. Adams worked as a temporary copy-holder for a total period of about one year and eight months and was brought under reduction on two occasions.

(b) Mr. Adams is at present employed as a Roller Moulder whose work is not the same as that of a labourer in the Press. The answer to the second part is in the affirmative.

(c) No outsider has been appointed on the regular staff of copy-holders since the reorganisation of the Government of India Press, Delhi, in April 1927. Two retrenched copy-holders of the Press were re-employed.

(d) The answer is in the negative.

(e) There is no such rule relating to the re-employment of temporary men discharged from service.

CONSULTATION OF THE EMPLOYEES OF THE PRESS IN REGARD TO THE SITE OF THE NEW PRESS QUARTERS AT NEW DELHI.

459. **Mr. S. C. Mitra:** (a) Is it a fact that the sites and plans for the new Press quarters at New Delhi have been settled?

(b) Will Government please state if the employees of the Press were ever consulted as regards the suitability or otherwise of the proposed quarters? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, but on a representation which was received from the employees, the Government of India have recently decided to select a more convenient site for the Press and quarters.

(b) No. Government did not consider it necessary to do so.

WITHHOLDING OF MEMORIALS BY MR. COOMBS, CONTROLLER OF PRINTING AND STATIONERY.

460. **Mr. S. C. Mitra:** (a) Will Government be pleased to refer to question No. 565, reported in Vol. III—No. 16 of September 1928, and No. 281 (d) reported in Vol. I—No. 3 of 1929, and lay on the table any

other rules under which the Controller may withhold any memorial to Government, other than those published in the Home Department notification No. E-472-II-2/23, which appeared in the *Gazette of India*, June 21, 1924?

(b) How many memorials has Mr. Coombs withheld or ignored during his incumbency?

The Honourable Sir Bhupendra Nath Mitra: (a) The rules published with the Home Department notification No. F-472-II-2/23, dated the 21st June, 1924, apply to Governors' provinces. The memorial rules which apply to the staff employed under the Central Government were published with Home Department Notification No. 534, dated the 30th June 1916, a copy of which is being forwarded to the Honourable Member for his information.

(b) No memorial has been ignored by the present Controller. Nineteen memorials have been withheld by him up to the 24th September 1928.

QUALIFICATIONS OF MR. COOMBS, CONTROLLER OF PRINTING AND STATIONERY.

461. **Mr. S. C. Mitra:** Will Government be pleased to state if Mr. Coombs was a reader in the Bombay Government Press during most of his service there? If so, when and how did he acquire all the qualifications, specially administrative experience of a large establishment, as referred to in the answer to question No. 225 of this session?

The Honourable Sir Bhupendra Nath Mitra: The answer to the first part of the question is in the negative. The second part does not arise.

SCALES OF PAY OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, DELHI.

462. **Mr. S. C. Mitra:** (a) Will Government be pleased to state if they are prepared to reconsider the scales of pay allowed to the men employed at Calcutta under the Government of India so that they may not be less than those allowed to the men employed at Delhi?

(b) Is it a fact that offices under the same Department doing almost similar work have different scales of pay, namely, the Office of the Deputy Controller of Printing, and the office of the Controller of Printing and Stationery at Delhi and Calcutta? Is it a fact that living is cheaper and Government quarters are allowed at a lower percentage of rent at Delhi, as compared to those employed in Calcutta? Do Government propose to consider these points in dealing with the memorial of the men in the Stationery and Printing Department at Calcutta, submitted in February, 1927?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the negative. The scales of pay of employees of the Government of India at these two places are fixed with reference to the nature of work and local conditions.

(b) No. There is no office of the Controller of Printing in Calcutta. Government quarters are not provided for the employees of the Stationery and Printing Department in Calcutta. The memorial referred to by the Honourable Member will receive due consideration.

†463-477.

**QUALIFICATIONS OF CERTAIN MEN APPOINTED TO THE ARMY DEPARTMENT
AND ARMY HEADQUARTERS.**

478. Mr. S. C. Mitra: Will Government be pleased to furnish an up-to-date list of unqualified men entertained and confirmed in permanent vacancies in the Army Department and Army Headquarters since the formation of the late Staff Selection Board, giving in each case the educational or other qualification of each?

Mr. G. M. Young: The collection of the information required by the Honourable Member, which relates to a period of 9 years, would entail an excessive amount of labour and would, in the opinion of the Government of India, serve no useful purpose. The Government do not think it desirable, moreover, to disclose, in this House, particulars of individual clerks who are still in their service.

**CHARGES FOR ELECTRIC FANS PAID BY OFFICERS AND CLERKS IN NEW
DELHI.**

479. Mr. S. C. Mitra: (a) Is it a fact that in New Delhi officers are not required to pay any rent for fans? If so, why are poor clerks charged Rs. 2 per month per fan?

(b) Why has meter rent been levied this year? Why was it not charged before?

(c) Is it a fact that a portion of furniture has this year been removed from unorthodox "C" class quarters? If so, has the rent for furniture been proportionately reduced? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) No. Officers and clerks are charged at the same rate.

(b) Meter rent has been levied in accordance with the revised Fundamental Rules. Previously the rules contained no provision for such charge.

(c) One set of toilet furniture was removed from the 'C' class unorthodox quarters. The rent was not reduced, as certain other articles were simultaneously improved.

†480.

**APPOINTMENT OF RETRENCHED MEN OF THE MEDAL SECTION TO CERTAIN
VACANCIES IN THE RAILWAY DEPARTMENT.**

481. Mr. S. C. Mitra: (a) Is it a fact that the Railway Department is not within the scope of the Public Service Commission?

(b) Is it a fact that about 100 men will be recruited shortly by the Controller of Railway Accounts, after a competitive examination?

(c) Is it a fact that a certain percentage of the men (typists, etc.) will be recruited without examination?

† Questions withdrawn by the Questioner.

(d) Is it a fact that a good many clerks will shortly be recruited in the Railway Board (Labour Branch) by Mr. Hayman, without any examination?

(e) If the reply to (c) and (d) be in the affirmative, are Government prepared to give first preference to the retrenched men of the Medal Section, Army Department and other Government offices, in the Railway Department? If not, why not?

Mr. P. R. Rau: (a) No.

(b) Yes.

(c) No; obviously typists can not be selected from the results of the general entrance examination for clerks, but they will be subjected to appropriate tests before being appointed.

(d) and (e). Five clerical posts have shortly to be filled up. The appointments will be made in the usual way from railway and other suitable sources. In this connection I would refer the Honourable Member to the reply given by Mr. Parsons to Mr. B. Das's question No. 816 of the 21st September last.

†482.

**DIFFERENCE IN PAY OF EUROPEANS AND INDIANS APPOINTED TO THE
ACCOUNTS DEPARTMENT.**

483. Mr. S. C. Mitra: Is it a fact that, in the Accounts Department, Indian clerks are entertained on Rs. 50 per mensem, whereas European or Anglo-Indian and lady clerks are entertained on Rs. 80 and Rs. 100, respectively? If so, why?

The Honourable Sir George Schuster: An inquiry is being made and a reply will be sent to the Honourable Member in due course.

CONSTRUCTION OF "E" CLASS ORTHODOX QUARTERS FOR JUNIOR CLERKS.

484. Mr. S. C. Mitra: (a) Is it a fact that Government contemplate constructing "E" class orthodox clerks' quarters for those who get below Rs. 100 per mensem? If so, do Government contemplate a corresponding class of unorthodox clerks' quarters for those getting below Rs. 100? If not, why not?

(b) Is it for the orthodox Indian clerks only that the Government is anxious to do it?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Yes. A proposal is under consideration for the construction of a number of unorthodox clerks quarters for which all clerks drawing less than Rs. 225 a month will be eligible.

†485.

† Questions withdrawn by the Questioner.

EVIDENCE TAKEN BY THE RANGACHARIYA COMMITTEE REGARDING POSTAL RECRUITED TELEGRAPHISTS.

486. **Mr. Amar Nath Dutt:** (a) With reference to the replies given to unstarred questions Nos. 170 and 172, by Mr. N. M. Joshi in the Assembly on the 4th February, 1929, will Government be pleased to state whether the Rangachariya Committee had taken evidence from the postal recruited telegraphists with regard to their grievance? If so, will Government be pleased to furnish the names of persons from whom evidence was taken and also furnish the full particulars of the evidence?

(b) If the answer to part (a) be in the negative, will Government be pleased to state the reasons for referring the above Committee's decision to the postal recruited telegraphists with regard to their claims?

The Honourable Sir Bhupendra Nath Mitra: (a) If the Honourable Member will refer to pages 11, 12 and 13 of the Report of the Telegraph Committee, 1921, a copy of which is in the Library, he will find an account of the method of inquiry adopted by that Committee.

(b) Because the claims of postal recruited telegraphists were among the items of Memorandum submitted by the Indian Telegraph Association, and were specifically considered by the Committee.

GRIEVANCES OF POSTAL RECRUITED TELEGRAPHISTS.

487. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state whether the statement of the General Secretary of the Indian Telegraph Association on page 284 of the *Recorder* of May, 1927, stating that "the Rangachariya Committee ruled it out on the ground that it came under the head of re-revision of pay and was outside the terms of reference" is correct?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons for referring to the Committee's decision every time the grievances of the postal recruited telegraphists had been represented?

The Honourable Sir Bhupendra Nath Mitra: (a) The statement is incorrect.

(b) Does not arise.

EXPENDITURE INCURRED IN GRANTING INCREMENTS TO POSTAL RECRUITED TELEGRAPHISTS.

488. **Mr. Amar Nath Dutt:** (a) With reference to the reply given on the 4th February, 1929, in the Assembly to question No. 170, put by Mr. N. M. Joshi, will Government be pleased to state the grounds under which they had called for statements as to the extra cost that might be incurred if increments were granted?

(b) Will Government be pleased to furnish the total cost that had been incurred in granting increments for the postal recruited telegraphists?

(c) Will Government be pleased to state whether it is a fact that the claims of the postal recruited telegraphists have been rejected on the ground that the Government required an enormous amount of money?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are not prepared to disclose the nature of their departmental discussions.

(b) If, as is presumed, the Honourable Member refers to increments in the telegraph time-scale of pay granted to postal recruited telegraphists on account of the service previously rendered by them in the postal branch, the answer is "nil".

(c) No.

INCREASE OF YEARLY INCREMENT OF TELEGRAPHISTS.

489. **Mr. Amar Nath Dutt:** (a) With reference to the reply to question No. 180 (b) put by Mr. N. M. Joshi on the 4th February, 1929, will Government be pleased to state whether munshis and telegraphists have the same status?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to increase the yearly increment proportionately in view of their qualifications and work?

Mr. P. G. Rogers: (a) Munshis and telegraphists are not of the same status, the work performed by these two classes of officials being quite different.

(b) No.

RATE OF INCREMENTS OF TELEGRAPHISTS.

490. **Mr. Amar Nath Dutt:** Will Government be pleased to state the reason for fixing the increment at Rs. 5 for the first four years and Rs. 10 for the rest of the years in the telegraphists grade for the General Service?

Mr. P. G. Rogers: If the Honourable Member will refer to paragraph 5 of the Report of the Telegraph Committee of 1920, a copy of which is in the Library, he will find the information which he requires.

PAY OF STATION SERVICE TELEGRAPHISTS IN THE CITY OF MADRAS.

491. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state whether they are aware of the fact that the maximum pay of the local Civil Account Office at Madras is fixed at Rs. 175?

(b) Will Government be pleased to state whether they are aware of the fact that the Station Service telegraphists in the City of Madras only claim that the maximum pay should be increased to Rs. 170? If so, will Government be pleased to state the reason in refusing to raise the maximum pay to Rs. 170?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) As regards the first part of the question, the Honourable Member's statement is not quite correct. The Station Service telegraphists not only asked that the maximum of the scale should be increased to Rs. 170, but also that the minimum should be increased to Rs. 80.

As regards the second part of the question, Government consider the existing scale of pay adequate.

EXPENDITURE INCURRED IN CONNECTION WITH TRANSFERS IN THE PUNJAB
POSTAL CIRCLE IN THE LAST TWO YEARS.

492. **Mr. Amar Nath Dutt:** Will Government be pleased to state the expenditure incurred with regard to the transfers in the Punjab Circle for the last two years?

Mr. P. G. Rogers: The information is being collected and will be furnished to the Honourable Member as soon as it is ready.

INCREASE OF WORK OF THE ELECTRICAL BRANCH OF THE TELEGRAPH
OFFICE.

493. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state whether they are aware of the fact that the work of the Electrical Branch has considerably increased during the last ten years owing to the development of the high speed multiple working?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they propose to increase the staff in the Electrical Branch proportionately?

Mr. P. G. Rogers: (a) Yes.

(b) The present strength of the electrical supervisory staff was fixed in 1924 and was based on the individual requirements of each office. Its revision will be considered if any increase in any office is justified.

THE TRADE DISPUTES BILL—contd.

Mr. President: The House will now resume further consideration of the motion that the Trade Disputes Bill be taken into consideration, and the amendment that the Bill be re-circulated for the purpose of eliciting opinions thereon. **Mr. Jamnadas Mehta.**

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Sir, yesterday the House rose when I was pointing out the undesirability of interfering in the internal administration of a properly registered trade union by means of legislative provision, and I am sure, Sir, that my point of view will readily commend itself to those who are anxious for a rapid and healthy development of trade unions in this country. After all, Sir, what is the gain by forcing one man on a trade union when the majority of the members of that union do not want that individual, even supposing the law is passed, as the Select Committee has recommended? What is the good? That individual will be an eyesore to the rest of the men. His presence will be looked upon with suspicion. He will be treated as if he were an outcast, forced upon the body by outside force. What good can such a provision do to that individual? He really becomes a suspect among his own fellow-men, and in his own interests, I think this provision should go.

The last point, Sir, on this particular point is that, in case of a strike under clause 16, it is made illegal to spend any money in support of that strike, or in continuation of that strike. Now, Sir, I quite agree, if you once make this a penal clause, the prohibition of the use of money for

the purpose of carrying on that strike is a consequential thing. I quite grant that, but being fundamentally opposed to clause 16, I think I am bound to oppose the provision for making the use of money for propagation of that strike illegal.

The most important point in this connection is that, because a workman has agreed to work for wages on a monthly contract in a certain business, which, under clause 16, need not necessarily be even a public utility service, because a man undertakes to work on a monthly basis, this clause 16 deprives him of his rights of citizenship.

Honourable Members should realise the revolutionary character of clause 16 when I put it in this way. Because a man is a wage earner in a particular business, all his rights of citizenship, association in furtherance of the movement for freedom, or any social or even religious object are taken away. It does not matter why he strikes, whether the purpose for which the strike is carried on is very admirable, the mere fact of his having struck is enough to make it criminal, provided it satisfies the conditions of clause 16 (b), and thereby, by a single stroke of the pen, the rights of the subject are taken away, irrespective of the reasons of his association with the strike. That is the fundamental objection to clause 16, that the rights of citizenship are taken away by legislation in the name of settlement of trade disputes.

Now I want that the House should rivet its attention on this part of clause 16, namely its inimical effect in restricting, circumscribing and also eliminating the citizen's right as long as that citizen happens to be a workman. I am sure public opinion has never asserted itself in favour of such a provision. The Government are endeavouring to make a bid for revolutionary power in their own hands in the name of settlement of trade disputes, and I am sure that, if this measure was brought as a separate proposition and clause 16 was not mixed up with what is ostensibly a trade disputes measure, the evils of clause 16 would be realised in all their enormity by every section of the House, because they cut at the root of the rights of every citizen, and I think the citizen should not, by the mere fact of being a workman, be made to forfeit all his rights of citizenship. That is the main objection to clause 16, and what is more it is against all signs of the times, against all democratic notions and against all ideas of liberty. Is it because I am your workman, I should thereby be deprived of all rights which I enjoy as a citizen? That is the most fatal objection to clause 16 which I wish to bring before this House.

Then, Sir, reverting for a moment to clause 15. Sudden strikes and lock-outs in public utility services are made illegal unless 15 days' notice is given. Whatever the grievances may be, you are supposed to conform to this clause 15 and give notice, although by staying a day longer, you might be exposing yourself to misery, degradation and suffering. The workman is to be tied down to that service and minister to your comforts and pleasures although these pleasures are to be purchased by his own degradation, misery and suffering. Why should society make itself responsible for a measure of this kind, where our own fellow beings, where the majority of our country-men will be yoked to a situation where they must witness their own degradation, suffering and misery, and yet not be

[Mr. Jamnadas M. Mehta.]

in a position to revolt against it without giving 15 days' notice. In the interests of what, or in whose benefit, is this wrong perpetrated? If it is for society's benefit, then I say the workmen themselves form the majority of society and therefore, particularly in the case of the so-called public utility services, they should not be made to serve as a party to their own degradation, suffering and misery. Therefore this period of 15 days' notice before a strike is quite inhuman, and in the name of settlement of trade disputes or cessation of trade disputes, it is imposing a condition on industrial workers which is not justified either by the condition of the industry itself or for the peaceful relations between employers and the employed. Therefore both clauses 15 and 16 are highly objectionable on account of the tendency to reduce the workmen to wage slaves, or reduce them to serfs, and deprive them of the status of citizenship and take away their rights as citizens for joining trade union movements outside their own particular industry or trade. How would Honourable gentlemen, who are behind clauses 15 and 16, feel if their liberties were similarly restricted? Even an extension of a debate for a little more than two hours on a particular evening in this House made the throats of certain gentlemen in this House parched. They became so impatient that they repeatedly howled against the proceedings of this House being continued any longer. Fancy, Sir, the revolt which the inside man is compelled to register when his liberty is interfered with. Therefore, Sir, clauses 15 and 16 are entirely reactionary and retrograde. They are not really connected with the settlement of trade disputes. They are superimposed upon this Bill for the purposes which are extraneous to the settlement of trade disputes, and above all, they have a tendency, a direct tendency, to smother political agitation and to suppress all legitimate movements not pleasant to the bureaucracy. For these reasons, clauses 15 and 16 should not be touched at all, they should be eliminated and should have nothing to do in a Bill of this kind.

Lastly, I wish to say that, if the House is so ill-advised as to pass this measure as it stands, particularly with clause 15 and onwards, the House will be guilty of sanctioning an unholy alliance between the employer and the bureaucracy in this country. They both combine to crush the liberty of the worker, and in the name of settlement of trade disputes, this Bill will be an employer's charter for the purpose of tyrannising over workmen; it will be a charter of the bureaucrat for suppressing the freedom of his own workers. This Bill will thereby condemn to practical slavery, not merely a few hundreds or a few thousands, but hundreds of thousands of workers in this country. My information is that the number of factory workers in this country is about 27 lakhs. I am not sure whether the 7 lakhs of workmen in the railway services are included in this number. Probably they are. So, I take it that about 27 lakhs of workmen today are affected by this Bill, and, by sanctioning clauses 15 and 16 and others related to them, this House is called upon to smother the liberty of 3 millions of people for the interest of only a few pleasure seekers and a few employers. This fact alone ought to convince every man who stands for the liberty of the subject that this Bill should be emphatically opposed and systematically denounced. If you pass this measure with clauses 15 and 16, what is the result? We are all aware of the evils of forced

labour. We are all aware of the tyranny which the system of *begar* or the system of *Veth*, as it is called in my part of the country, gives rise to. The system of forced labour is very nearly the system of semi-slavery, and we are told by Sir John Simon and others that it is the great glory of England that she has fought for and abolished slavery in work. I do not know how far that claim can be maintained; it is certain that England made 48 crores of Chinese slaves to opium by forcing opium on them at the point of the bayonet during what were called the Opium Wars. That is the record of England in the matter of the abolition of slavery. Here again, we are called upon to have another system of slavery in the name of settlement of trade disputes, by having legislative provisions which will compel a workman to stick to certain trades and industries at the peril of his personal liberty. Therefore I ask the House not to have anything to do with this system of forced labour, which, under the guise of a legislative measure for settlement of trade disputes, is calculated to make slaves of 27 lakhs of workmen in this country. If Government are genuine in their desire to advance and to expand our economic welfare, then they should not proceed with the Bill. If trade and industry in this country were to grow, and industry were to flourish, as is desired by the people, then the number of workmen who would come within the mischief of this legislation would not be 27 lakhs of people, but 2 crores and 70 lakhs in no distant time. If this measure is intended to be part of the repressive armoury of the bureaucracy and the employers, then the misfortune of the workers can be better imagined than described.

Sir, I oppose the consideration of the Bill on the ground that it is reactionary and inhuman; it is a Bill entirely against the spirit of the times; it is a Bill calculated to inaugurate a system of forced labour and to give to the employers a charter to tyrannise over their workmen and to take away the personal liberty of a subject under the guise of settlement of trade disputes. Sir, I oppose.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Government want to put a stop to strikes caused by payment of money from the Swaraj fund. You support the strikes and maintain the strikers for the time being.

Sir Hugh Cocke (Bombay: European): Sir, Mr. Jamnadas Mehta for an hour or more yesterday, and again today, made one of those rather wild speeches for which he is now famous in this House.

Mr. K. Ahmed: Notorious.

Sir Hugh Cocke: He made a heavy attack yesterday on those who believed that it is the right thing to prohibit by legislation lightning strikes in public utility services, and he described those who thought like this as people of warped judgment. It seems to me, Sir, that the remarks of the Honourable Member indicated a judgment which was warped even to the point of cracking. He started his speech by maintaining that a tramway was not a public utility service, but a luxury service for the rich and so on. The Honourable Member for Industries and Labour pointed out that tramways did not come within the purview of public utility services as defined in this Bill. I should be quite prepared to argue, Sir, that tramway companies should be included in this Bill. In fact, only yesterday I got a telegram from the Bombay Chamber of Commerce asking

[Sir Hugh Cocke.]

me to endeavour to get tramways brought within the Bill. But I do not wish to argue that point now, beyond saying that there is no doubt that a tramway, perhaps to a lesser degree than a railway company, but anyhow a tramway service does take many lakhs of men to their daily work, and a tramway strike prevents men getting to their work: they either cannot go, and lose their wage, or they have to go to work by a more expensive route. I therefore think there are very strong reasons for bringing tramway companies also within this Bill. But just as Mr. Jamnadas Mehta was speaking about tramways, the Honourable the Member for Labour pointed out that tramways were not public utility services under the Bill and the Honourable Member then left his tram car hurriedly and took shelter in the Frontier Mail. He spoke for some minutes, as if the Bombay, Baroda and Central India Railway run nothing but luxury trains, such as Frontier Mails, up and down their line. He seemed to think that the Railway was maintained for the Government Members of the Front Bench, for American globe-trotters, and occasionally for the Member himself to come up here from Bombay; but I who live on the Bombay, Baroda and Central India Railway know that it really caters for many thousands of people who take their vegetables, their fish, their milk—incidentally, the Member admitted that the supply of milk amounted to a public utility service—and rice also from one centre to another centre, where they have a good market. If you are going to allow a lightning strike on a railway, you are going to cause a vast amount of hardship to these people. It seems to me, that the Honourable Member, while making a strong plea for the benefit of the comparatively few who are employed on railways, entirely forgot the vast number of people who have the benefit of the use of the railway, and who are entitled to its service as a public utility service. Why should the few who are employed on the railway be permitted to strike, at short notice, to the greatest discomfort of the masses? I cannot see that there is any reason there. I was in London in May 1926, when the general strike occurred, and I saw the effects there. The machinery devised to fight it was very effective, and the whole community stood by and assisted to break the strike; but it does not follow that that would happen in the same way in India. You might get here a general strike running for weeks and weeks, resulting in starvation to many of the people. It seems to me that we have got to take a much broader view of this question than the Honourable Member was prepared to take. I thought, on listening to his speech, that his whole constituency must consist of the particular labourers whom he was out to defend, the labourers who were to be permitted to go out on lightning strikes. Surely his constituency consists of many more of the others, who would be very severely inconvenienced and handicapped in the event of a strike on a railway or any other service. You have got to consider the community as a whole, not one small portion of it.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): May I ask the Honourable Member how he intends to prevent a strike in a particular public utility service? All that is intended here is to prevent a strike without notice of one month.

Sir Hugh Cocke: I am perfectly aware of that; and I say that Government have got the right and the duty to bring in legislation to prevent lightning strikes. I do not say for a moment that a worker on a railway,

or in the conservancy department of a municipality, or in any other similar service should never be permitted to strike at all, but I do think that the public are entitled to protection. On these grounds, I think that clause 15 of the Bill is necessary, and I ask Honourable Members to take a somewhat broader view and think of their constituencies as a whole, and not a small portion of them, who may be adversely affected by any particular strike.

The Bill, Sir, is one which is overdue, in my opinion; and I trust that nothing will be done by this House to delay the measure any further.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Sir, I would oppose the consideration of this Bill and would support Diwan Chaman Lall's motion for re-circulation. I shall state, as briefly as I can, the reasons which have induced me to come to this conclusion. I submit, Sir, this Bill appears to me to be a measure of far-reaching importance and a pioneer sort of legislation in matters of this description. It requires, therefore, far more consideration than we have been able to bestow upon it here, or the people outside have been able to give to it. I think also that the Government have timed from their point of view, this legislation so as to suit their convenience. That before the general elections in England, and when we do not know whether the Labour Party would come into power or not, they should rush a Bill of this description through this Legislature at a time when the welfare of the working classes is considered a matter of international importance, is a subject which gives me very considerable anxiety as to the *bona fides* of the Government. It is not right to consider this Bill, just at the end of the session and of the Assembly's term. It appears to me that this is a first class election issue. A Bill of this vital description should be placed before the electorates of this country and their verdict should be ascertained before any action is taken by the Government if they are a wise Government. But if the Government are an unwise Government, of course they can proceed with it as they choose.

Lastly, Sir, there is a great deal of force in Diwan Chaman Lall's objection that there is no real or adequate representation of the working classes in this Assembly. As the franchise is at present constituted, the working classes have no chance of getting their representation in this Legislature, and the one man—apart from my other friends, and with all respect to them—who is fighting for them and who would have contributed the greatest amount of enlightenment to this debate, is unfortunately not here—I refer to Mr. Joshi. I consider, Sir, that this is really a most untimely measure from all points of view. I do not take the views of some of my friends in regard to the earlier clauses of this Bill. The first part as it has been called, I think, the pith and kernel of this Bill is contained in the subsequent clauses, 15 to 18, of this Bill; the other portions are simply preliminary, introductory portions, the vehicular arrangement, put in there more for the purpose of making something which is very bitter and very inconvenient swallowable by the Members of this Assembly. I do not think there is any business in the first part of this Bill; I think the only business from the point of view of the Government, is to be found in the later clauses of the Bill, and all the rest is simply a camouflaging of the repressive character of these provisions. I wish, in this matter, as far as possible, to take no sides except the very strong bias which I possess in favour of the freedom of the working class movement and of other freedoms and of allowing things to go as they should be

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allowed to go. I am not as conversant as I should be with the conditions of the working classes. My views are not yet as advanced as undoubtedly they should be in regard to these matters; but nevertheless, I feel bound to take a very very strong view as regards this Bill.

Sir, this Bill purports to show that those portions to which serious objection has been taken on this side have been taken from the English Act, as the Select Committee has pointed out. Now, Sir, conditions in England of the working classes are altogether different from the conditions of the working classes in India. In the first place, the Labour Party is an organised and powerful party in England, not only in Parliament but outside it in the country. The working classes of Great Britain are a very powerfully organised body of people. They can make themselves felt, and the self-government that prevails in England enables them, with their practically adult franchise, to enforce their demands at each election and to make their will felt in Parliament. Also, Sir, there has been an increase in the level of wages in England, and I have seen with my own eyes the very improved conditions which the working classes in England enjoy; and though they are dissatisfied with those conditions and those wages, still they are far more than the wages, relatively speaking, which the working classes here get, and the conditions there are far more favourable than the conditions which exist here. They have comforts and standards of existence which are wholly denied to our working classes here under the present form of government. In that state of things, when a sufficiently high wage level has not been reached in India, when standards of comfort of a sufficiently advanced character, suitable to the working classes have not been obtained in India and when the working classes have not been properly and systematically organised throughout the length and breadth of this country, and when they have no such things as a political labour party, and no representatives to voice their grievances, it becomes all the more the duty of those who, under the present constitution, have to represent their grievances here, to watch and protect their rights. It is no use merely giving lip sympathy, sentimental sympathy, to the working classes. I think our conscience must be consciously roused and it will not do for us to take valetudinarian views on this question. We must take very robust and very just views on such a matter of fundamental importance to this country. Sir, the working classes form the bulk of the population of this country and their welfare must be the real welfare of the country; and any legislation of this description has to be closely scrutinised before it can be allowed to pass before our consciences as a measure which the combined justice and wisdom of Members of the Government on the other side and Members of the non-official parties on this side is prepared to allow the Government to push through.

Therefore, Sir, I would appeal to every Member of this House, whether he has sat upon the Select Committee or not, whatever his prepossessions in favour of one view or the other may be, whatever his views may be as to whether strikes have been too frequently in evidence in this country and as to whether labour to any extent has been exploited for this or that purpose—I say it is the duty of every one to look at a measure of this description and not be betrayed into hasty judgment by the accident of a particular labour union or a particular strike having caused him any inconvenience, or by the reason that this is a public utility service, or that it is a public utility service. As I say, we must first of all awaken

our conscience and we must look at this in an aspect altogether different from the aspect in which we are ordinarily accustomed to look at legislative business. Now, Sir, as I said, the conditions in England are altogether different. In England the working classes are not only powerfully organised but they use their power; sometimes they may have misused—I do not know—that power against the general well-being of the community, and fresh legislation of this exceptional character might have been agreed to in the British Parliament. But that is no reason whatever, Sir, why, when the working classes here are in a pathetically helpless condition and when such leadership as there is available to the working classes is almost at a discount—the Government and other persons in alliance with it should encourage legislation of this description. It passes my comprehension that support should be given to it by Indians. I submit that we must also realise that the working classes in this country do require our constant support. When a proper wage level has been reached in this country and when the conditions of the working classes have become sufficiently advanced and we feel in our conscience that they are in a fairly comfortable position and therefore they are making trouble merely for the purpose of getting far more than they are entitled to or merely out of cussedness, then it may be a different question altogether. But, Sir, that time is not yet. We are far away from that time. When that time comes, I would be one of the first persons to go into this question as to whether it is a public utility service or whether it is a social security service, and whether sympathetic strikes should be allowed and whether general strikes should be allowed. Those are questions which should be gone into when we feel satisfied that the working classes have been thoroughly organised and they are able to exert their power, that their wage level is fairly high and that their standards of comfort and conditions of employment are fairly satisfactory. Today, Sir, I repeat, that is not the position. Therefore we must see whether we should not allow them to continue to enjoy the freedom which they now possess—at least theoretically. Having regard to the dominant position occupied by the capitalist classes and by the employers of labour—particularly the Government, which is one of the largest employers of labour in this country—we must see whether they are not in such a helpless position as to incapacitate them from exerting even such little pressure as they may. What is it, Sir, that the working man can do? The only freedom he can have, the only pressure which he can exercise is the little inconvenience which he can cause to the employer by striking, by ceasing to work. That is the only thing he has got and we know that that right to strike is a double-edged sword. We know that, if he ceases to work long enough, or if he ceases work before he is fit to strike, it will really bring about disaster to himself and to his own fellow-workers. Therefore, Sir, I say that, with this natural limitation, the political right to strike and—I would say the legal right to strike, because it has not yet been prohibited by a criminal law as it is proposed now to prohibit it by the proposed enactment—the legal right to strike must continue to exist, subject to this limitation only, that the working class man, more than even the ordinary politician, realises the gravity of a strike. I have come in contact occasionally with the labouring classes and have occasionally spoken to working class men and some of their secretaries and presidents of unions; and they have all told me how difficult it is for them to strike and how unwilling they are to strike unless they are forced, for the purpose of their own self-improvement, to strike. They think, not once, not

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twice, but twenty and thirty times before they embark upon a strike. When that is the wisdom of the working classes in this country, it appears to me to be wholly unnecessary and really to give a premium into the hands of the employers and of those reactionary forces which will make the conditions of the working classes even more desperate than they are at present, to pass a Bill of this description.

Another point, Sir, is this. Why should not a breach of contract, attracting as it does a liability to damages, be held to be sufficient for the purpose of preventing these strikes? That is an additional safeguard, and I do not see why it is necessary that penal provisions of this character should be sought to be enacted in order to prevent them from doing this.

(Mr. K. Ahmed made a remark which was inaudible at the Reporter's table.)

My Honourable friend says something which I am not able to catch; but certainly if a lawyer is obliged to work without getting a proper fee, I think he will certainly demur and somehow these lawyers seem to escape more than they should. (Laughter.) But, Sir, I am now concerned with the working classes, and when I find that that is the only thing—an elementary right—the only way in which they can bring any sort of pressure to bear upon their employers and when they are sought to be deprived of it in the name of public utility service what public utility is there greater than the utility, greater than the prosperity of the majority of the inhabitants of this country? What greater utility can there be than the utility of the masses of this country? Sir, I am a man who likes to have a clean house and to have my comforts; but I would not prohibit even a scavenger from exercising his right to strike—his elementary right to strike, if I cannot persuade him to agree with me to work for me.

Mr. K. Ahmed: What did you do last year in Calcutta, when there was a strike of scavengers?

Mr. S. Srinivasa Iyengar: I am not going to be interrupted and I am not going to allow myself . . .

(Mr. K. Ahmed made a remark which was inaudible at the Reporter's table.)

Mr. President: Order, order.

Mr. S. Srinivasa Iyengar: Mr. President, I do not in the least feel disturbed by my Honourable friend's interruptions. He has got an artful way of interrupting speakers so as to divert, as far as possible, the stream of their thoughts. If that is the way of helping the Government, he is at liberty to do so, but I am not going to yield to this kind of diversion.

Mr. K. Ahmed: If you are justified, I shall use my art to interrupt Government and thereby help you also.

Mr. S. Srinivasa Iyengar: Mr. President, I do think that the time will soon come when the number of interruptions made by an Honourable Member will have to be counted and the point will have to be considered whether one will be in order in making continuous interruptions of this sort, because this is a serious subject. This is not a comic opera, and I do resent, and resent most strongly, interruptions of this sort even from my Honourable friend Mr. Kabeer-ud-Din Ahmed, who has added to my enjoyment, as well as to that of others, and which I shall be the last to deny,—I say even from my friend, Mr. K. Ahmed, interrup-

tions of this description I must most emphatically resent. I say, Sir, this is a subject to which every one must give his serious thought and attention. This really tests us on the elementary basis of humanity. The poor working men of this country have no other right but this right to strike. We cannot take away or curtail that right to strike under whatever formula. It is not yet proved that the conditions of the working classes in this country are such that the right to strike will be a luxury, and that it is unnecessary for them. Of course, in that case, you may take steps to prevent such right being abused.

I do not propose to go into the literature on this subject, but I do think that anybody ought to be at liberty to strike, whether it is for the improvement of the conditions in his own trade or industry or for the improvement of the conditions in another trade or industry, or for political purposes.

Colonel J. D. Crawford (Bengal: European): Will the Honourable Member explain to me where this Bill prevents labour from striking?

Mr. S. Srinivasa Iyengar: A strike or a lock-out shall be illegal which has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and is designed or calculated to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government to take, or abstain from taking, any particular course of action. How a Court is to find out whether a strike is calculated to inflict severe, general and prolonged hardship is a matter which I cannot understand. I daresay it will vary with each Judge, and I do not propose to indulge in any anticipations. But it is quite obvious that the only strike which is allowed is the strike which is in furtherance of a trade dispute within the trade or industry itself, and for that purpose there is already a provision in the latter part of this clause which says that, "for the purposes of this clause, a trade dispute shall not be deemed to be within a trade or industry, unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry", and so forth. It is obvious that the working class organisation in this country, which is still in its infancy, can never be a very good and efficient organisation unless industries link themselves together so as to make themselves a strong and efficient political organisation, for without the exercise of political pressure, not only upon the Government, not only upon the capitalist classes, but upon the middle classes, upon the Members of the Assembly, upon the Members of the various Legislatures, they will not be able to get their point. Therefore, Sir, I consider that the working class organisation in this country being in a very defective state, must have this right to have strikes in other industries than the industry in which the trade dispute arises and for purposes, political or social also. For instance, Sir, why should my Mussalman friends support their Hindu friends for the purpose of Swaraj? Why should my Hindu friends support their Mussalman friends for the purpose of Swaraj? Why should the Mussalmans and Hindus, the depressed classes and the higher classes, the Brahmins and the Non-Brahmins, the Bengalis and Punjabis and Madrassis, the Gujrathis and Mahrattas, want Indianisation of the services? It is a sympathetic demand, a general demand, I suppose, for the Indianisation of the services. I do not believe that we will be

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justified in dividing up the working classes into those who are engaged in this or in that particular industry. I think all working classes must be enabled to combine themselves into a huge working class organisation. It is only in that way, I think, with the Government as it is, with our indifference and apathy, and with conscience not sufficiently roused in any one of us including myself, I say with things as they are, that is the only pressure that they can exercise and they should be allowed to exercise that pressure continuously. In what other way can the working classes bring pressure to bear on the Government as well as on their employers? Well, if I am a mill-owner, I will naturally look more and more to my own profit, I will look to my son's prosperity, I will look to my family benefit, and I would like to make as much profit as possible. Which man will ever be able to know the difficulties of others, unless he realises the inconvenience to himself. It is because we, on this side, have not put Government to sufficient inconvenience that we have not been able to achieve Swaraj yet. And is that the same lesson that we should teach to the working classes? I submit, Sir, it is an impossible position. I am therefore taking a very moderate view in suggesting that the right to strike should be retained without any restriction by our working classes till the level of the wages becomes satisfactory, till the improvement in the working class conditions becomes far more satisfactory than at present. Till then I say the time is not ripe for a Bill of this description, and we shall not be able to copy the English model here. The English working classes, according to the Parliament of England, may have abused their power wrongly. There, Sir, they have got a democracy, and all the working classes have got a right of vote. If, for instance, an Act was passed in England like the present Act, it would be open to the working classes there to turn out the Government which had passed such a measure, and that is, as I understand from Mr. Kelkar, what the Labour Party has promised to do. Therefore, they have got a right to turn out the Government, but what right have our working classes got here? If this Bill is passed, what is it that happens? We shall never be able to turn out this Government; the working classes of this country will never be able to turn out this Government. I say, Sir, heavy is the responsibility upon the Members who differ from me on this question. The Labour Party may come into power, and if Honourable Members vote for the motion that the Bill be taken into consideration, they will be telling the British Parliament that they are quite satisfied that a Bill of this description is necessary for Indian conditions. I submit, Sir, we should not import any extraneous topic into this controversy. I would put my reason strongly on the fact that this is simply one of those copyings from the British models, while the genius of our people is altogether different. We do not want in this country a measure of this character. Whether we are aristocrats or middle classes, whether we are traders or industrialists, we do not require a measure like this. I am very glad to find that one of the Members of the Select Committee, Mr. Birla, himself a very eminent capitalist, says this in his dissenting minute:

"I do not find myself in a position to support clauses 16, 17 and 18. There is no doubt that the present clauses relating to illegal strikes are an improvement on those in the draft Bill, but my objection on principle remains, and I cannot give such provisions my support."

Now, my Mussalman and Hindu friends are really on their trial on this Bill. This is no party question. This is not a communal question. This is not a serious political question of the usual sort; this is a purely economic and social question of first rate importance, and we should strive to put aside all our prejudices and all our previous judgments and commitments and look at the whole question simply with a view to the betterment of the working classes. Have they got any other right? Can they trust this Government? Can they trust us? I can not be trusted by them. The only way in which they can do so is by trusting themselves, by being self-reliant. Therefore, do not deprive them of the only remedy they have got, namely, the right to strike. Do not deprive them of their right either in a qualified fashion, by imposing an arbitrary time notice, as is contained in clause 15, or in the other way by absolutely prohibiting them from carrying out general or sympathetic strikes, as is contained in clause 16. I say that this is an arbitrary

12 Noon. time notice. Lightning strikes were referred to. I say sometimes lightning strikes cause more inconvenience, and it is only when we are inconvenienced severely that our intelligence wakens up, our heart wakens up. So long as we are accustomed to go about with smug complacency and to imagine that we are living in the best of all possible worlds, we really do not keep ourselves alive, throbbingly and vibrantly alive, as much as we should be, to the misery, the squalor, the poverty, destitution and hunger of the millions in this country. Therefore, I feel the greatest possible pleasure in opposing this motion for consideration, and in supporting Diwan Chaman Lall's motion for re-circulation.

Only one word I have forgotten to mention. This is a matter which is of all-India importance. This matter has not been discussed in the various Legislative Councils of the several provinces. There must be a method by which the opinions of the Legislative Councils in the provinces should be ascertained. I believe once or twice it has been so ascertained. It is not very difficult to find out ways and means of ascertaining the opinions of the Legislatures in the provinces. When we find that there is no representation of the working classes here, and when there is some sort of representation, it may be by nomination, of an appreciable number in the provincial Councils, and the provincial Councils are more competent to go into this question, their opinion is necessary to enable us to pass this measure. For that reason also I am for this motion that the Bill be re-circulated.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadian): Sir, I rise to support the motion of my Honourable friend, Diwan Chaman Lall, and to oppose the consideration of this Bill.

Yesterday we were told by the Honourable Mr. Kelkar that the Report of the Bombay Strike Inquiry Committee was just issued, and unless Members had an opportunity to go through the Report and the pros and cons of the questions at issue, it would be idle to pass this legislation. Now, Sir, I wish to refer to an incident which happened in this House when the Child Marriage Bill of my Honourable friend, Mr. Sarda, came up. An amendment was moved in this House, which the Government were pleased to accept, on the ground that there was a Committee sitting and its Report, which was worth considering, was not out.

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I quite see that that was a Committee on which the House was represented and the Report was not yet out. But so far as the analogy goes, there is nothing to choose between the two. This Report of the Bombay Strike Inquiry Committee has dealt with questions which are analogous to those which have to be considered while passing this measure. If there was any hurry, I could understand that the Government were justified in rushing through a measure of this kind. But when we know from the speech of the Honourable Member in charge of this Bill, that the Bill has been before the Government for the last five years, I fail to see what special circumstances have arisen which necessitate that this Bill should be passed as soon as possible. Moreover, the only justification which the Honourable Member has been able to place before this House in respect of certain provisions relating to general strikes is that, in his opinion, the country was being prepared for a general strike. Now, Sir, I join issue with him in that matter, and I am convinced that his statement is not correct. Supposing there was any possibility of a general strike at the time when he made that statement, still now, when all those persons who are alleged to have been engaged in activities calculated to prepare this country for a general strike have been arrested and are on their trial, it stands to reason that all that apprehended preparation vanishes and there is absolutely no hurry to rush through this measure. Again, as has just been pointed out, this Bill has emerged from the Select Committee in a rather changed form. Some alterations have been made, and it is but right that those who are affected by this Bill should have a right and opportunity to criticise the Bill after it has emerged from the Select Committee. I know that an argument was advanced before this House by the Deputy President of the Assembly that it would be unfair to the Select Committee if the motion for re-circulation were accepted, and further that the Select Committee themselves have recommended that the Bill should not be re-circulated. I maintain that, if those recommendations of the Select Committee were the last word to be said on the subject, then a motion for re-circulation would not be in order, and the law would not provide for such a contingency. The House has to consider independently of the recommendations of the Select Committee if this particular measure is one which requires re-circulation, and I submit, considering the importance of the measure, and also the fact that it shall have far-reaching effects on the working classes of this country, that this measure is one which should be re-circulated. It is true that, even after re-circulation, many of us will not be found disposed to agree to certain portions of this Bill

Colonel J. D. Crawford: Even if public opinion was in favour of it?

Pandit Thakur Das Bhargava: Public opinion was never in favour of this Bill.

An Honourable Member: He represents us much better!

Pandit Thakur Das Bhargava: Public opinion was never in favour of this Bill, and from the extracts read out to the House by my Honourable friend, Diwan Chaman Lal, and the opinions of so many societies and trade unions, it is absolutely clear that those who will be affected are absolutely opposed to this measure. . . .

Colonel J. D. Crawford: Then why re-circulate?

Pandit Thakur Das Bhargava: The question is, why should it be re-circulated? The reply to this question is. . . .

Colonel J. D. Crawford: In the negative.

Pandit Thakur Das Bhargava: Not in the negative in that way, but the reply to the question is involved in the reply to the question why was it circulated at all? If the provisions have been changed, then they should be re-circulated. Moreover, I submit that the opinions received so far cannot be said to have been expressed by those who are affected by this measure. The provisions of this Bill are so important that I submit they ought to be considered by the various Legislative Councils, municipal bodies, district boards and other bodies and such bodies also should be able to say whether they want the provisions of this changed Bill to be enacted.

Now, Sir, as regards the consideration of this Bill, as I have already said, there are certain provisions which will never find acceptance so far as this part of the House is concerned. So far as the question of general strikes is concerned, this Bill is foisted on India by saying that, because England has passed this measure, therefore India should pass it; no other reason is given. Last Autumn session a Bill was brought in by Mr. Joshi to assimilate the law of this country to that of England in respect of illegal conspiracies in regard to workmen. And then this very argument was advanced by the Honourable Mr. Joshi—that as workmen enjoyed certain privileges in England, the workmen in India should be allowed similar privileges in India, and the Government opposed it on the plea that the conditions in India and in England were not the same. May I repeat the same argument and say that, if the conditions in respect of illegal conspiracies are not the same in the two countries, they are not the same or similar as regards the possibility and effect of general strikes. Now, Sir, it happens that the Public Safety Bill and this Bill are so connected and dovetailed together that they even come on the same day in the Assembly. Now, the Public Safety Bill is sought to be passed because conditions in England and India are different. There are no provisions in England similar to those contained in the Public Safety Bill. In England, even the members of the Communist Party can be Members of Parliament, but then it is said that the conditions are different when it comes to the question of general strikes. The logic of this is quite apparent. Now, it has been pointed out that India is a country in which the poor people are so placed that they cannot look after themselves. If a poor man living in the mofussil were to come to the Assembly and watch the proceedings, I doubt very much if he would have any love for this Government. Looked at from the standpoint of the poor man, there is as much public safety in the Public Safety Bill as there is public utility in the Trade Disputes Bill. If you are really sincere and want to help the poor man then the best way is not to restrict his freedom of action or right, but to make for conditions which will really benefit him. If Government brought in any measure for the fixing of minimum wages, I would certainly consider that the interests of the poor man were sought to be safeguarded. When the conditions of labour in certain public utility services, as defined in this Bill, are such that they do not provide a reasonable standard of comfort for the wage earner, it is cruel to enact provisions which take away from him the right

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to strike. It is said that, with a view to meet the objection that it was a capitalistic measure, provision has been made whereby a lock-out has also been made penal, but may I ask, Sir, whether the working classes and the employers in this country stand on an equal footing? I remember a story, Sir, which is quite apposite. A man who wanted to ford a river dived into various parts of the river and from his experiences found out that the average depth was so much. He had to ford the river with his wife and children and one by one, when they reached the middle of the river, they were all drowned. Ultimately when the man was left alone, he again dived into various parts of the river and found that his calculations were correct and he was at a loss to understand why the whole family was drowned. What is the use of having a provision by which a lock-out is made penal, when the resources, stature and height of the employer and the working classes are not the same and when this capitalistic Government has monopolised the power of sanctioning prosecutions. What would be the actual injury to the employers and the working classes in the case of strikes and lock-outs? Will it affect them equally? This is the question which has got to be answered before we can say that we have really made a corresponding provision in section 15 of this Bill.

Now, Sir, it is said that a public utility service by itself is a service in which the interests of the community are regarded as superior to the interests of those who work in the services. As an abstract proposition, I would agree, but may I know if this argument will hold good in the case of the majority of workmen in this country? Do the majority of workmen in this country enjoy all these services? My reply is, no. When you come to the railway service, do you make such reductions in the railway fares that the poor people can take advantage of it? When you come to the postal rates, do you reduce them when the interests of the poor people demand it? You don't and the only conclusion that one can reach is that these provisions in the Bill are designed for some ulterior purpose. Either they are in the interests of the richer classes or in the interests of Government. Government are the biggest employers in this land. Barring certain companies, so far as the postal and railway and other services are concerned, they are the sole employers, and it is in their own interests that these provisions are sought to be enacted. Now, Sir, the rest of the provisions regarding the Conciliation Board and the Board of Inquiry are such that they have no binding effect on the parties to the dispute. After all they are in the nature of mere recommendations, and they may not be accepted by those who are parties to this dispute. What is there to bind the parties to the dispute to accept the recommendations? We have therefore to fall back upon the good sense of those who refer a trade dispute to the arbitration of a Conciliation Board or a Board of Inquiry. Now, I can understand that, by themselves, these recommendations may generally prove to be effective and the parties to the dispute may, according to their self-interest, accept those recommendations, but the binding effect of those recommendations, is nil. As regards the second part of the Bill, Clauses 15 and 16, they are clearly such that they are not acceptable to those who feel for the working classes of this country. The Honourable Member in charge of the Bill took pride in the fact that he got through this Bill in the Select Committee and said that his anticipations were proved to be true, but when I look at the minutes of dissent by nine members,

most of whom are members of the popular parties in this Assembly, I am sorry I have to say that the anticipations have not proved correct. It is all very well to pass a measure through the Select Committee or through the Assembly, but the question of questions is whether you are able to reconcile those who are opposed in principle to you, and judged from this standpoint, I am sure that, even if the Honourable Member succeeds in passing this measure through the Assembly, the country outside will never be reconciled to this measure. Now, Sir, a repressive and a penal measure can only be justified by the exigencies of the situation. No person who knows anything about the principles of criminal jurisprudence will ever agree that penal laws should be enacted for purposes of meeting extremely remote contingencies. Unless and until a particular situation justifies a penal measure, it ought never to come on the Statute-book. Now, I very humbly ask a question as to whether, within a definite time, there is any possibility of any sort of a general strike in this country? If the reply is in the negative, I will humbly submit that these provisions are not justified. Further, Sir, when you look at the words of section 16, I wonder if any Court of Law would be able to unravel the tangle of these words. The words are:

"is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action."

Now, Sir, terms like these were very bitterly criticised when a similar measure was before the Parliament in England. But I can challenge any lawyer in this House who can give a sample of a more vague, more indefinite, language than this. How will any Court construe the word "severe"? What is a "severe hardship" and what is a "mild hardship"? Again, Sir, what is a "general hardship"? Suppose there is a hardship which is a hardship to, say, only a lakh of people, and the rest of the country is not affected by it, will it be called a general hardship? And then the beautiful word "prolonged" comes. What is a "prolonged hardship"? Is not a hardship continued for a week a prolonged one, or should it continue for a year or so? Now, Sir, it means this, that according to the length of the foot of the judge the interpretation will be placed upon the words which occur in clause 16. Then, Sir, the Members of the Select Committee themselves were rather doubtful as to what they meant by the word "compulsion". Therefore they added sub-clause (4) to clause 16 which runs as follows:

"A strike or a lock-out shall not be deemed to be calculated to compel the Government unless such compulsion might reasonably be expected as a consequence thereof."

This by itself shows that the Select Committee were not sure of the ground, and they also anticipated that the Government might regard anything as compelling or nothing as compelling. Then we have the words, "from taking any particular course of action". Now, what is that particular course of action? This is not defined in the Bill. In fact, the whole subject is so difficult that it is almost impossible to frame any such provision as will be satisfactory from a legal point of view. As a matter of fact, this illegal or legal provision takes away from an ordinary man his invaluable and inalienable right, and it is most difficult to disguise this attempt by plausible and satisfactory language.

[Pandit Thakur Das Bhargava.]

Now, Sir, the Honourable Member in charge of this Bill said, while referring this Bill to the Select Committee, that such strikes "concern the community as a whole and involve an obligation on the Government". There is no doubt that an obligation is there on the Government, but if it is true that the strikes concern the community as a whole, I humbly beg to ask whether, in the community as a whole, the workmen who are working in different trades or industries are included or not. If those persons are also included, then on what principle is the sympathetic strike made illegal? These workmen have as much right to see that justice is done to their fellowmen as the other people have.

Then, the Honourable Member in charge said that this Bill is essentially a democratic measure. For the life of me, I have not been able to find in this Bill anything which can be called democratic. If we understand by "democratic" that the individual rights shall be regarded as unassailable, then the provisions contained in clauses 15 and 16 are, to say the least, most undemocratic.

An Honourable Member: They are hypocritical.

Pandit Thakur Das Bhargava: If that word pleases you, I am prepared to agree with you.

Then, Sir, some other observations were made by the Honourable Member in charge, which were really calculated to cloud the issue. However, I need not pursue those observations in further detail. I understand that all parties in this House will agree to pass some of the wholesome provisions of the Bill, but then the Government wanted to sugar-coat the other bitter provisions and incorporate them in this Bill, which is not even a copy of the Act which was passed by the Parliament. The Parliament did not pass a measure of this kind, consolidating all the evil and good things in one. In England they had separate measures, and those measures were considered on their respective merits. Now, this fact that the House will not accept these two provisions of the Bill contained in clauses 15 to 19, was submitted to the Honourable Member in charge of this Bill at an early stage, and if he was anxious that the provisions contained in clauses 1 to 14 should be passed, he should have taken the hint from those debates. But, as a matter of fact, his whole idea seems to be that he must smuggle in those measures which are obnoxious with the aid of those which are regarded as wholesome, and ultimately, if this Bill is not passed, he may be able to lay the fault at the door of the Members of this side of the House. But by doing so I do not think he will deceive anybody.

It was claimed that this Bill is designed to foster the movement of trades unions and as such it was entitled to be considered by this House. Now, Sir, I have gone into these provisions very carefully and I would respectfully ask the Honourable Member in charge to enlighten the House on this point. Clause 18, if it means anything, means that it shall drive a wedge between the relations of the members of the trades union. It will make for bitterness, disunion and disharmony, and I for one have not been able to find out any provision in clauses 15 to 19 which would tend to encourage the existence or the promotion of the trade unions in this country.

Lastly, Sir, as has already been pointed out by the previous speakers, this Bill is not purely a trade disputes Bill but as a matter of fact, it is

a political Bill, and as such it should not have been mixed up with the trade disputes Bill and should not have been smuggled in like this. I therefore oppose it.

***Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the previous speaker said that this Bill is not a trade disputes Bill but it is a political Bill. I consider this Bill to be a trade disputes Bill in the sense that it means to create trade disputes instead of settling them. Therefore, I cannot, holding the opinions I do, agree to the Government motion that the Bill be taken into consideration in the form in which it has emerged from the Select Committee. Sir, I submit that the little consideration that we have already given to this Bill is much more than the Bill really deserves. There is nothing in this Bill worthy of consideration, and it should be conveyed, in your historic phrase, to the waste-paper basket. That is my position so far as the Government motion is concerned, for, as Mr. Jamnadas Mehta (and his colleagues) in his beautiful minute of dissent has truly said:

"The fundamental objections to the Bill as it emerges from the Select Committee remain unaffected."

Therefore the position of this House ought to remain unaffected, so far as the objections to the Bill are concerned.

If I had been in my seat—it was my fault that I was not—when the question of reference of the Bill to Select Committee was taken up, I at any rate would have strongly opposed reference to Select Committee, for Mr. Jamnadas Mehta is not right when he says that there are certain good things in the Bill, and that, so far as that portion of the Bill is concerned up to clause 14, "It emerges from the Select Committee considerably improved and strengthened". And they are prepared to support that part of the Bill themselves.

If the object of the Bill is to develop and foster a genuine trade union movement in the country, clauses 15 and onwards will surely defeat that object, but so far as the Government are concerned, it is perfectly plain that they will not give up those preceding clauses unless you are prepared to accept the succeeding clauses. I do not want Government's benevolence for the protection of trade unions. Trade unions and things associated with them in this country are in their infancy, and therefore the difficulties, which Government do not like, are even more not liked by the millowners and the workers. I think they dislike the present delicate position more than the Government themselves, but in the infancy stage of trade unions and industries in this country, all these troubles are bound to disappear and I would not be a party to the introduction of a Bill of this kind, especially as this Bill is calculated to destroy the growth of trade unionism in this country.

I was present in the House of Commons when the House was considering the British Trade Disputes Bill, to which the previous speaker made a reference. He referred, I believe, also to the British general strike. I had not the privilege of being in England during the British general strike, but I read a newspaper report of what it was like, and I would like a similar general strike in this country before I can consider the necessity of a Bill of this kind. There is not the ghost of a chance

*Speech not corrected by the Honourable Member.

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of such a strike coming to this country for several years, a strike which threatened the very foundations of the British Empire in Great Britain. Therefore I do not really see why Government should think that a few bubbles in the trade waters are real oceans. Why are Government frightened because there are a few strikes? If they are so inclined, they can help labour. Much as I am opposed to the exploitation of labour for political motives, even the exploitation of students for political purposes, I must say that the line of demarcation becomes very thin between labour and politics, for even greater than politics in this country is life. It is a problem of bread and butter, and therefore I think this trade disputes Bill is attacking the bread and butter problem. Notwithstanding my personal regard for the Honourable Member in charge of this Bill, I am sorry that he is concluding his career by leaving on the Statute-book a Bill of this kind, which will attack the very foundations of labour. It is not the politicians, not the National Congress, nor the Liberal League nor the Muslim League, but it is labour that commands India's greatness. It is labour that is involved in this question; it is labour which is going to command this country's politics itself; and Government know it and are naturally afraid. Now it is like a small cloud, but it threatens to spread over the whole land, and therefore Government naturally bring forward this measure to put a stop to the organisations of the trade union movement in a strong and irresistible manner.

Opposing as I do the Bill, I regret I cannot support clause 18, although I can concede that it is full of enthusiasm for the non-striker.

This Bill does not deserve circulation at all. I would circulate a Bill that is worthy of being circulated. This is unworthy of being circulated. I would circulate a Bill on which I am not capable of forming such an opinion.

Reading through Mr. Jannadas Mehta's minute of dissent, though I do not agree with him where he endeavours to concede that there are some good points in the Bill, yet that minute of dissent shows that a considerable amount of opinion has been formed by him and his colleagues. The opinion which has been expressed in the newspapers, one of which is in Bombay, is strongly opposed even to the reference of this Bill to Select Committee. The paper I refer to is issued by Mr. Horniman, and in which Mr. Jannadas Mehta takes a real delight. That paper took the right attitude when it opposed reference of the Bill to Select Committee, and even went so far as to say that this Bill should not be circulated for opinion but should be buried on the floor of this House, buried without mercy and without the usual ceremonies attending burials.

With these few words I oppose the motion.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, greatly as I admired the philippics of the last speaker, I am afraid I cannot accept all his arguments. I certainly agree with him in the great prediction which he holds forth in regard to the future of Indian labour. It is not a particularly special prediction in regard to India, for I believe everywhere under the sun labour in the true sense of the term is bound to dominate over anything else in a country. As the *Gita* puts it.—*Lokoyam Karma Bandhanah*, which means, "The whole universe is a working organisation".

That, therefore, labour in India and elsewhere should become more and more conscious of its dynamic power; that the leaders of labour, as distinct from other interests, should become more and more conscious of their power for good or unfortunately as it sometimes happens of their power for evil also; that they should become conscious of the power for good that they can exert in the body politic, all this should be essentially welcomed. I, in my own very humble way, have desired, and do desire that in India also labour organisations should thrive as fast as possible, and that labour should come into its due share of power, socially, economically, politically and spiritually as well. That is by the way.

Now, Sir, with regard to the motion before the House, I find that some of the general arguments, though they have been somewhat mixed up so far as I can take note of them, have been to the effect that the measure before the House is in some respects premature, that it can be delayed with advantage for some time longer, that it is an attempt to copy what may be called the example of England for Indian conditions, and that some of the clauses, especially the last few clauses of the Bill, are calculated to injure trade union interests deliberately, and not to help the growth of trade unionism. I certainly am glad, Sir, that, on this occasion at least, some of my Honourable friends, who generally are anxious to follow the example of Western countries, some of my friends like Pandit Thakur Das Bhargava would not follow blindly the West. I, for one, have always been against India following the lead of the West. My motto has always been that India should show the light to the rest of the world. I am therefore glad that they are now coming to realise, and I wish that in other measures as well they will try to understand, that it is injurious for India to follow the pernicious social, religious and economic customs of other countries. India will have to grow and thrive upon her own natural organic life system. Therefore, Sir, if I at all say anything in favour of any portion of the Bill, it is certainly not because I have cared or that I desire to have English conditions introduced into India or that I even care to study English conditions very carefully. If I therefore support any motion of the Bill it is only because I have come to the conclusion that those portions are in the best interests of India's workmen, as well as employers. I am glad, that, leaving some of the few irreconcilables apart, the great bulk of those who have been seriously considering the provisions of this Bill have been generally in favour of what may be called the first part of the Bill, namely clauses 1 to 14. My Honourable friend, Mr. Jannadas Mehta, as has already been pointed out, said that if probably the Bill ended there, he would not take any serious objection to it. The difficulty, of course, comes with regard to clauses 15 and thereafter. Before proceeding to make any observations upon those clauses, I may state at once that I am not myself very much in favour of them. But before making any further observations, I should like for a moment to remind this House that the question whether the Bill as a whole is to be re-circulated for opinion can only be properly answered, so far as I can see it, if the Bill has been so changed in the Select Committee as to involve any radical alteration. If the Bill has been materially and radically changed in the Select Committee, particularly if the Bill has been so changed as to affect more prejudicially the interests of those whom this House would like to safeguard, then certainly I will be the very first to join those who are for re-circulating this Bill and eliciting public opinion. Although I have been carefully listening to the arguments of those who have been trying to pose themselves as

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the champions of workmen, I have not heard from them any convincing arguments to show that the Bill has been so changed in the Select Committee as to make matters worse for the interests which they want to safeguard. On the other hand, Sir, it is admitted, even by those who are against clauses 15 to 18, that in the Select Committee an attempt has been made, to a certain extent at least, to make the Bill less objectionable than it was when it was first introduced. Clause 15 particularly was very greatly amended; and in this connection I wish to bear testimony to the fact that, so far as I was able to gather, the Honourable Member in charge of the Bill seemed throughout to have been anxious to go as far as he could to meet the objections of those who, in the Select Committee were trying to put forward objections on behalf of the workmen in the country. If one would look into it, he would find that practically the whole clause, or the greater portion of it, is in italics. Clause 15 was practically redrafted, almost the whole of it was redrafted, and there are certainly very few words in the clause which are not in italics; and this means that only a very few words of the old clause remain. Almost the whole of clause 15 was redrafted, and the one objection that was taken to it and to which Mr. Chaman Lall yesterday referred was that the original clause was one-sided. It tried to prevent only the workmen from going on strikes. In the Bill, as now placed before the House by the Select Committee, that defect has been removed; and the clause now applies both to the employers and the employees. Therefore it cannot now be said that workmen alone are penalised by the clause and not employers. Workmen cannot now declare sudden strikes without giving 15 days' notice. Here again the clause has been greatly improved. The old clause said a month's notice was required. The present clause says only 15 days' notice is required. Therefore only if workmen declare a strike without 15 days' notice, they come under the penalty of this clause. On the other hand, if employers declare a lock-out suddenly, the employers in their turn come under the penalty of the Bill. Therefore there has been a very good improvement with regard to clause 15. Whether, even with that improvement, there should be a clause of that kind is of course a different question. I suppose when that particular clause comes up, if the Bill is taken into consideration, its merit or demerits will be thrashed out in due course. But on the whole I consider that the Bill, as it has emerged from the Select Committee is certainly much better than what the Bill was before it went to the Select Committee. It has not been made in any way worse than before. Therefore the argument that it should be re-circulated for public opinion does not carry weight. The need for re-circulation does not appear to me so far as clause 15 is concerned. If the clause is so bad that you cannot possibly have it, even in its altered form, it will be the duty of the House to throw out that clause. Similarly with regard to clauses 16 to 18 if the clauses are so bad that they cannot be accepted, I should commend, for the consideration of my Honourable colleagues, whether it is not their duty to throw out the clauses. It will be open for the House, by a majority, to declare itself against clauses 15 to 18. It will then be open to the Honourable Member for Industries and Labour either to have this Bill only with clauses 1 to 14, and to leave the rest of the clauses out, or to drop the whole Bill. With regard to those who think that the Honourable Member for Industries and Labour has got this sinister purpose of forcing clauses 15 to 18 on the

House in consideration, so to speak, of the milder portions, namely, clauses 1 to 14, I would ask why they do not put the Honourable Member to the test. Pass clauses 1 to 14, and when clauses 15 to 18 are taken up, try to reject them and see whether the Honourable Member will move the third reading of the Bill which will contain only clauses 1 to 14, or whether he will give up the third reading altogether. If the Honourable Member gives up the third reading of the Bill, in case any of his supposed favourite clauses of the Bill are omitted, then I would consider that the charge was fair, that he really wanted clauses 15—19 only, and that clauses 1 to 14 were merely more or less a bait. However, I do not find that that test has been applied. I do not know, when the test is applied, whether the Honourable Member will stand it or not, and so I cannot foretell what the House will say about it. In any case, I think it is prejudging the motives of the Honourable Member in charge of the Bill to say that he wants only clauses 15 to 19, and that clauses 1 to 14 have been added on by way of a sop to the feelings of those who are against the Bill. I for one would decline to go behind the motion and try to read the hidden motives and purposes inside the mind of the Honourable Member.

Now, on all hands, it being accepted that clauses 1 to 14 are desirable, and would really go far to prevent trade disputes from taking any very undesirable turn, I think that, so far as those clauses are concerned, it is our duty to pass them as quickly as we can. I am one of those who have long desired that a great stimulus should be given to the development of trade unionism in this country; I am one of those who really desire that, as far as we can, we should try to create what may be called a trade union law in this country. And no trade union law can possibly be brought into being in this country without sound measures for bringing together the employers and the employed, or bringing both of them before certain impartial tribunals, such as are provided for in the first part of this Bill. The settlement of trade disputes is a very very healthful measure, a very desirable measure, and a very necessary measure; and when the Honourable Member tries to bring in a very necessary and a very healthy measure, so far as it is healthy and necessary, I think it is our duty to support him in the interests of the country at large.

So far as the general remark is concerned, Sir, that this may have a larger bearing on the larger questions of politics—well, I am quite ready to agree with those who say that labour and politics are very closely inter-mixed. For that matter, my philosophy is that all life is one complex whole. There are no compartments in life individual or collective. Social, economic and political conditions are all aspects of one life; and labour and economic conditions must have a great effect, and I wish that they should have a great effect upon the political conditions of the country. Therefore, it is necessary, it is inevitable, that a labour law must affect the general political condition of the country to a certain extent. Every measure, so to speak, affecting any large interests of the country, must have its own bearings upon other interests. That is what philosophers call the Law of Relativity; and none of us can get out of that Law of Relativity as long as we are in this world. Therefore, in this law, or in the Trade Union Act or in any other Act or any other law, there must be what may be called a political significance; yes, there it must be, and it will always be there in any law; and we cannot get

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rid of it. But the question is whether there is a direct political significance, or a direct political purpose, involved in the Bill now before us. If the direct effect of this Bill is to retard the political progress either in labour or in the other larger circles in the country, then, I for one, Sir, will not desire that the Bill should be passed into an Act unless it is properly worded; or even if it is properly worded, I will not support the Bill if the consequence would be the direct prevention of the growth of trade unionism, or the putting of obstacles in the way of the political progress of trade unions. True, the trade disputes law may be abused; but every Act has been abused, every law under the Sun has been abused. Every law that has been made by man, nay, by inspired men and inspired seers in this world, has, in course of time, come to be abused; and so it is very likely this law also may be abused. It may have evil consequences, if not now at least some time later. But because, any proposed law may have some evil consequences at some time near or far off, that can be no reason why it should not be taken into consideration at any time and passed.

Therefore, Sir, it appears to me that many of the arguments which have been advanced and put forth for the re-circulation of this Bill are not quite relevant. I can understand those who, like my Honourable friend Mr. Ranga Iyer, say that the Bill does not deserve even to be touched with a pair of tongs, that it is not even worthy of being looked into the waste paper basket. I can understand that mentality. I can understand also those who say that there are some portions of this Bill which are very good and we must go on with them; but say at the same time that there are one or two clauses which are very bad, and that we should try to sift the whole thing and try to separate the good from the bad, and pass the better clauses alone. That position I can understand; but I cannot understand the position of those who fear that there is some thing hidden behind the Bill, and that it is therefore better that we have nothing to do with this Bill, and consequently want to bring in a dilatory motion to the effect that the Bill should be re-circulated, and that some more time should be taken to consider it. I believe, Sir, if a Bill like this had been in existence last year, probably the South Indian Railway strike would have been prevented, and probably the strikes in Bombay also could have been averted. If there had been some legal machinery by which the employers and the employed could be brought together, and under which the Government could force the employers and the employees to come together, and settle their disputes in time, possibly the evil consequences that have been witnessed in South India and in Bombay might have been prevented. I think it is our duty to take steps to prevent such happenings in the future at least. I do agree with those who say that general strikes in this country such as those in England are things to come in times far off. That is an argument which will cut both ways. If a general strike will be coming at some time very far off, why do you fear clauses 15 to 19, or think they will be terribly misused? I wish, for that matter, that we should have no big strikes in this country at all. To me a strike is something like a very dreadful weapon; it is a terrible weapon. A huge strike is not a thing to be desired every day. There are of course some people who have been saying that a strike is an inalienable right of every worker in this country. It is something like saying that every man has a right to shoot himself dead. I do not know if

every man has a lesser right to murder himself than any trade or industry has a right to strangle itself.

I maintain, Sir, that a strike is one of those very unfortunate necessities in the world which we have to submit to now and again, as at best an evil which we cannot get rid of. A strike is certainly a very hard thing, and a very undesirable thing, and if we in India are able to get on without strikes, so much the better for us. I do not think that the so-called right to strike is a right, a precious right, and a valuable right, just like the right to freedom of speech or freedom of worship, or the right to take steps to advance ourselves politically. It is one of those unfortunate evils, which we sometimes call necessary evils in the world. It is just like a war, very undesirable in the larger interests of the country. I do not like any general strikes, and I do not expect there will be any very large general strike in a huge country like India. I agree with those who think that trade unions are not well-developed here. That again is an argument which will cut both ways. If there are good organisations of workers, if their Unions are well-organised and conducted properly and efficiently without fear of havoc to the community at large, then perhaps, we may get rid of these penal clauses; but the very fact that the trade unions here are not well organised is an argument for encouraging them to become more and more strong and for making them more and more efficient in this country. The very fact that labour is in an infant stage in India is a strong argument, I say, against the views of those who hold that the working classes should have the right to strike, although it might lead to very undesirable consequences; and that such right is an inherent right in the case of all these employees. The argument about the infant trade unionism of India seems to me to be an argument which cuts both ways; it is an argument for those who are in favour of the Bill as a measure for strengthening the labour movement itself, as one which would bring, in course of time, great good to the community at large, and would therefore be of great and lasting value to workmen themselves.

For these reasons, Sir, it appears to me that the proper course for us—

1 P.M. I am speaking with perfectly honest intentions—would be to take the Bill into consideration and to accept those clauses of the Bill which are really acceptable and which are really satisfactory—in fact which are very necessary and desirable; and when we come to the clauses which we think are objectionable—I am not quite sure whether I shall give my support to clauses 16 and 17 as they stand at present, but I think I am in favour of clause 15 if I can say so now. But when we come to these clauses, the House can make up its mind whether it wants them or not; and we shall have every right to reject those clauses. But, Sir, it seems to me that the motion to re-circulate the Bill for the purpose of getting opinions over again is absolutely meaningless. Public opinion cannot make us any wiser three months hence than we are today, so far as these provisions are concerned, for this reason. My Honourable friend, Mr. Chaman Lall will go out to the country and say that every trade union should blindly and unquestioningly say that clauses 16 and 17 would sound the death-knell of all trade unions. I know how trade unions in India are run and I do not believe there is any trade union in India which has got twenty members who can take a reasonable and sane view of a Bill like this. Sir, what I say is this: Whether I have a right

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to say that no deluge will follow, or whether my Honourable friend, Diwan Chaman Lal, says the deluge will follow, it will be myself and my Honourable friend who will be saying it; it will not be the real voice of labour, and that is my point. What I would like is, that neither I nor Diwan Chaman Lal, should have anything like a predominating voice in these matters.

Diwan Chaman Lal: I am prepared, if the Honourable Member is prepared, to keep my mouth shut if the motion for re-circulation is carried, and not say one word in the Press or public about the Bill.

Mr. M. K. Acharya: I am very sorry, Sir, to have to say that Diwan Chaman Lal's offer cannot bind me any more than it can other people, for the simple reason that, though my Honourable friend, Diwan Chaman Lal, will certainly be honest and will not go about breaking his word, there will still be other Chaman Lals in this country who would not care a hang for what he has said.

Diwan Chaman Lal: The other Chaman Lals will be public opinion. Get public opinion; that is all I want.

Mr. M. K. Acharya: The point is not what I shall do, or what he will do; it is what is generally being done in the name of the trade unions in this country; and indeed I do not believe that there is anything special with regard to India. It is probably what is done in that wonderful country also which they often quote—in England—and in America or any other country for that matter. It is the few intelligent people who manufacture public opinion—it may be in various lands in varying forms—but it is everywhere being done; it is part of human nature in fact. The more ignorant must be led by the less ignorant; of course all people are, to a greater or less extent, ignorant and the number of wise men who are absolutely wise and not ignorant at all is very few indeed all over the world; and as I say, public opinion must be guided by the less ignorant and it is the same human nature everywhere. That, Sir, is my humble opinion—not even in what they call the most well-organised trade unionist country in the world today, namely, Russia, in no country is there anything like a truly rational and natural public opinion, apart from what may be called mass opinion manufactured to a great or less extent. That is my philosophy of the world as a whole in its present conditions. It does not concern India alone; it concerns every country. Therefore, Sir, on the whole I say as Indian conditions exist today—I am certainly not against our doing anything for the betterment of things—but I repeat that three months hence or four months hence we shall not be in a better position to decide upon the merits of the Bill before us than we are today; we shall be in exactly the same position. Some will be in favour of certain clauses, others will take strong objection to certain clauses; and public opinion will not help us to any very considerable extent to go either one way or the other. That is always the case in the world, and perhaps that is the principal advantage of circulation—that there would be various kinds of opinions expressed and we would have the benefit of those opinions.

Therefore I say that, if it is argued that three or four months hence, we shall be in a better position to judge of this Bill, I say, we shall not be in a better position. We had got plenty of these opinions already when

the Bill was circulated some months ago. That we shall get opinions is therefore not an argument. I was better impressed with the argument advanced by my Honourable friend, Mr. Kelkar, that, as the Labour Commission is coming to inquire into labour conditions in India, it would perhaps be better to wait and see what recommendations they may make. That appeared to me to be a fairly strong argument. But that can be met this way. We would like the Labour Commission to give its opinion on this Bill. We shall place before them how far we have worked with our own intelligence and how far we have been able to solve Indian labour problems. And this Bill or Act also, the Commission could look into it, along with the labour conditions existing in the country; and they could then pronounce their opinion on both; and if the Labour Commission suggests any really important alterations in this proposed Act, I presume that the Honourable Member in charge will be ready to bring forward an amending Bill to carry out those recommendations; and if he does not do so, I am sure my Honourable friend, Diwan Chaman Lal, will bring in an amending Bill to carry out the recommendations of the Labour Commission, and I would then like to see which Government Member would dare to defy Mr. Chaman Lal as perhaps he might today. In that way, Sir, that argument can be met easily. For my part, Sir, I would like that this Bill, that is today before this House, may be passed by the House, and that the Labour Commission may have the benefit of having this before them.

For all these reasons, Sir, while I do not pledge myself to support every word that has been put in this Bill, I do believe that no really good case has been made out for the circulation of this Bill. On the other hand, I very much want clauses 1 to 14 to be passed as quickly as possible in order to deal with possible trade disputes that might arise in the near future. I urge strongly, therefore, that the House must take the Bill into their consideration, pass the clauses that are really unobjectionable, and consider, on their merits, the clauses to which any objection may be raised.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I am sure the House will feel grateful to the last speaker for his philosophic survey of life as a whole, and not in its water-tight compartments; I was attentively following what my learned friend was saying and really there was much for us to think over and appreciate in what he said. I am at one with him when he says that there is no need for re-circulation. But my reasons are, I regret to say, not the same as my Honourable friend's. My reasons are those of another friend of ours like Mr. Acharya—I mean my Honourable friend, Mr. Ranga Iyer, who is not here, and who advised us to throw this Bill into the waste paper basket. I really appreciate all the reasonings that have been put forward in support of the consideration of the Bill by my Honourable friend, Mr. Acharya, and I wish that he had changed his place with that of the Honourable Member in charge of the Bill. In fact, I believe that he has helped him a good deal, at least in the philosophic aspect of the Bill with which my Honourable friend, the Labour Member, was not qualified to deal, being a science student. But, Sir, I think if my Honourable friend Mr. Acharya had stopped there we could have understood him, but when he comes forward and talks of things of the earth earthy, and deals with labour questions and attempts to offer solutions and to help the Honourable Member who has been in charge of this

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Department for several years and who, I believe, has ably held his own against any argument, if not by force of reason, but by the power of the constitution framed by the British Parliament for this unfortunate country. Sir, as it is not possible to have this Bill thrown into the waste paper basket for reasons which my Honourable friends Mr. Acharya and Mr. Ranga Iyer will appreciate

Mr. M. K. Acharya: Why not?

Mr. Amar Nath Dutt: Let us not be more explicit than that. (Laughter.) As it is not possible for us to have this Bill thrown into the waste paper basket, all that we can do is to ask for a re-circulation, which, at least, I hope, will appeal both to the philosophic mind of my friend, Mr. Acharya, as well as to the patriotic mind of my friend Mr. Ranga Iyer.

Sir, when I say that this Bill deserves to be thrown into the waste paper basket, as stated by my friend Mr. Ranga Iyer, I do so, not as an irresponsible agitator or a labour leader. I do so as a student of history, who has followed both the history of Europe and Asia, and has tried to understand the underlying problems of human life. Sir, I thought that we were progressing, day by day, in our ideas of freedom and liberty. Penalisation of human activities, which do not injure the equal freedom of another human being, is not allowed by any civilised legislature. Sir, it is nearly a century since slavery was abolished by England. Following in that wake, in order to keep an appearance of civilized administration in this country, the then Government, which was certainly not so well organised and did not pretend to be such a civilised Government as the present one, enacted an Act called Act V of 1843, and I would draw the attention of Honourable Members on the Treasury Benches opposite to that Act. It is an Act for declaring and amending the law regarding the condition of slavery within the territories of the East India Company, and section 2 runs thus:

"No right arising out of an alleged property in the person and service of another shall be enforced by any civil or criminal court or Magistrate within the territories of the East India Company."

While section 4 is as follows:

"Any act which would be a penal offence, if done to a free man, shall be equally an offence if done to any other person on the pretext of being in a condition of slavery."

Probably the attention of my friends opposite was not drawn to this Act, and I think they will do well to repeal this Act before they introduce any Act like the present, which is before the House. It is not only contradictory to the provisions of Act V of 1843, but it is in violation of the solemn pledges that have been given from time to time by the British rulers of this country; it is in violation of all the civilized principles of liberty and freedom; it is in violation of all canons of political and economic laws of a civilized country. So, far as human liberty need be restricted, in the interest of human society, it has been restricted by the framers of the Indian Penal Code. The framers of the Code did not think it necessary to add anything more than what is contained in Chapter XIX of the Indian Penal Code, and that is considered a sufficient protection

for the bourgeoisie, I should say, at the present time, because they will not do anything for themselves, but will try to have everything done by others for them, and will not wait even a minute's delay when the service is due to them from the proletariat. Sections 490 to 492 are those sections, and I would respectfully invite the attention of my Honourable friend to them. But if his attention has not been drawn to them, I think perhaps he will not care to have his attention drawn to them by a humble individual like myself. Sir, I can claim to have some knowledge of the general principles which ought to underlie all legislation by any legislature, and I think these sections of the Indian Penal Code, to a great extent, curtail human freedom. To ask us to go further than that, is to ask us to do a thing which we ought not to do. Here of course the Code of ethics won't apply and won't be cared for. It is only for pounds, shillings and pence or for the protection and in the interest of that class who are interested in upholding the foreign bureaucracy that this Bill has been drafted. It has been said, Sir, that this Bill has been drafted in the interests of labour as well as in that of the employers. No doubt, there are certain sections, to which reference has been made by several Honourable Members who have preceded me, which show that they are in the interest of the labourers as well as the employers, but the cloven foot comes out when we come to sections 15 to 19, and I would draw the attention of the House to the heading that has been given to the Bill which says it is "to make provision for the investigation and settlement of trade disputes". It is no doubt a very noble and high ideal, but then the heading goes on, "and for certain other purposes". It is said that the sting of a certain animal lies in its tail. It is in the tail of this heading that you will find the sting,—not that the Honourable the Framers of this Bill was in want of words to state definitely what his intention was, or what he wanted to be legislated in these 19 sections, but he wanted to catch the imagination of the unwary as well as my philosophic friends here by such catch phrases as "to make provision for the investigation and settlement of trade disputes". It would have been in the fitness of things if certain other words, such as, "for the welfare, be it of the employer or the employee" had been inserted. But probably the bureaucracy did not want to go to that length and therefore they left it like this, "and for certain other purposes". This phrase can be made to cover a thousand and one things in this world for all I know

Mr. K. Ahmed: To put a stop to supply of funds in furtherance of a strike.

Mr. Amar Nath Dutt: Sir, in clause 16 (1) (b) you find the words, "designed or calculated to inflict severe, general and prolonged hardship". If that were a fact, they would have first taken measures to supply drinking water in areas where drinking water is not available; they would have tried to eradicate malaria before they began to construct railroads and obstruct the natural waterways of this country.

Mr. K. Ahmed: This is a different department altogether.

Mr. Amar Nath Dutt: "Severe, general and prolonged hardship"—a nice phrase; probably it is severe, general and prolonged hardship to the Government and to the Government members, and certainly not to the people. Then come the words "upon the community", as if they

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ever care to think about the community except that community of course who support them. "And thereby compel the Government"—everything comes out here explicitly—"to take or abstain from taking any particular course of action." They say, "to compel Government", as if there is any force on earth which can compel this Government to do a thing! Here we are the representatives of the people, here we are who have come with a distinct mandate from our constituencies, and we cry ourselves hoarse over reactionary measures, over reactionary legislation, over tyrannical acts of the Government, but have we ever found the Government mending the wrong that it has perpetrated? No. Still they speak as if there is some power in the hands of any individual or any organisation in this unfortunate country to compel them. I wish it were so, and if we had such powers, I think Honourable Members over there would not have been there.

Mr. K. Ahmed: It is only in respect of the ignorant masses, such as scavengers, tramway conductors, etc.

Mr. Amar Nath Dutt: Sir, I am reminded of ignorant masses and scavengers, whose services are probably necessary for a certain type of animals and humanity for their purification. But, however necessary their services may be in this unfortunate world of ours, I would not ask a foreign bureaucracy to come to our rescue and compel the scavengers to cleanse the dirt or attempt to whiten charcoal blocks, however necessary.

Mr. K. Ahmed: And thereby you bring plague and disorder in the country!

Mr. Amar Nath Dutt: In sub-clause (2), it is defined what will be illegal according to the Government—a nice drafting in accordance with fundamental principles of legislation. It says:

"It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lock-out."

By a mere ukase they would declare that these are illegal strikes and illegal lock-outs and then penalise any one under this sub-clause.

Mr. K. Ahmed: Government is quite right there.

Mr. Amar Nath Dutt: Then I will draw your attention to certain other provisions of this Bill, which may have escaped the notice of some of us. Clause 19 says:

"The Governor General in Council in respect of industries, businesses and undertakings carried on by him or under his authority, or by a railway company, and the Local Governments"

—mark the words here—

"and the Local Governments in respect of other businesses, industries, or undertakings."

Here it is important to note that a power which the Governor General in Council will not exercise and will not have, the Local Governments will have, and what is that?

"The Local Governments in respect of other businesses, industries, or undertakings within their respective provinces, may make rules for the purpose of giving effect to the provisions of this Act."

"For the purpose of giving effect to the provisions of this Act"—these words are wide enough to empower a Local Government to act in any way they please, arbitrarily and in a high-handed manner. Not only that, but the wording is such that it would empower the Local Governments to declare, in respect of what "other businesses, industries or undertakings", they will apply the law. Here I draw the attention of the House to the words "other businesses". Suppose there is a *hāt* or a market place in a village and there are some people who go and do some work there on daily wage. If the proprietor of the *hāt* is in the good books of the Government, he will try to force foreign cloths upon the labourers to please the bureaucracy, and for this purpose the Local Government will come to his help. For the Local Governments are empowered to make rules in any way they like under the rule-making powers of this clause and thereby tyrannise over the poor men. So, I am not in love with any of the provisions of this Bill, and I would like this Bill to be thrown out and I would oppose the Bill. But if that be not possible, I would like the Government at least to have it re-circulated for eliciting opinions thereon.

Sir, my friend Mr. Acharya has not been able to grasp the distinction between re-circulation for eliciting opinion and recommitment to a Select Committee. He says, "The Bill has been carefully considered and it has come before the House. It is your duty either to pass it or to reject it". What Diwan Chaman Lall wants is not a recommitment to a Select Committee, but that the Bill be re-circulated for the purpose of eliciting opinions thereon. I do not see what harm there is, if the Bill is re-circulated and brought before the Simla session or in the next Assembly when the Government may have better men to support them. I submit there was some confusion of ideas in the mind of my friend, Mr. Acharya, when he said that the Bill need not be re-circulated, and I think, if he had grasped the real meaning of the amendment before the House, he would have supported us.

Sir, it is a reactionary measure, intended to stifle the growth of labour organisations which the Government think are a menace to their safety, and we have ample proof of that in the recent prosecution of labour leaders in this country. In view of the ruling of the Chair on this point, I will not refer to the case, but I will point out that the action of the Government shows that their aim is to penalise every labour organisation, so that they may not be guided by those people whose brains and intellect the workers require for guiding them in matters like this. Considering all the circumstances, I would say that a Bill like this is not at all needed in this country. If it is needed, Government should try at least to minimise all the suspicion that hangs round their conduct in the introduction of this Bill, as evidenced by their conduct in the recent prosecution. I will not trouble myself or the House by explaining how this Bill can be improved because I believe that it is incapable of any improvement whatsoever—not that the Government have not at their service clever draftsmen, but they have intentionally tried to cloud the real issue before us, to flout public opinion, and to have the Bill passed in the belief that they have an assured majority behind them now. With these words I oppose the consideration of this Bill.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

ELECTION OF THE PANEL FOR THE STANDING COMMITTEE FOR EMIGRATION.

Mr. President: I have to inform the Assembly that up to 12 Noon today which was the time fixed for receiving nominations for the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, only seven nominations have been received. As the panel will consist of sixteen Members, and only seven have been nominated, I appoint a further period up to 12 Noon on Thursday, the 4th April, 1929, within which nominations will be received. The election, if necessary, will take place in this Chamber on Friday, the 5th April, 1929.

THE TRADE DISPUTES BILL—contd.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Sir, the motion before the House is that the Report of the Select Committee be re-circulated for eliciting public opinion thereon. As I understand it, Sir, it is only when the Bill has been so radically altered in the Select Committee that it requires re-circulation that the House agrees to that motion. In this particular case, the Bill was circulated at the instance of this House when we met in Simla. Opinions have been received and these opinions were placed before the Select Committee when they considered the Bill. Those Members who have studied the Report of the Select Committee will bear me out when I say that the Bill has undergone a great deal of modification at the hands of the members of the Select Committee. The changes have not been very radical and they have not upset the principles of the Bill. When the debate took place, you pointed out, Sir, to the House that, when the House accepts the motion for referring the Bill to a Select Committee, it accepts the principles underlying the Bill. Therefore, I do not think any case has been made out by the Mover or by those who have supported the motion for re-circulation. My friend, Diwan Chaman Lall has expressed his views on the subject. As I understand the position, it is only when the House is not in a mood or it is not possible for it to make up its mind on any particular motion, that the Bill is referred for eliciting public opinion thereon. In the present case we have had opinions of various organisations and also of the commercial communities in India. I am not talking for the moment of the merits or demerits of the question or of the opinions for and against it, but I want emphatically to maintain that, up till now, no case has been made out for referring the Bill for public opinion. On the other hand, I think the case has been made out for passing the Bill immediately. In this connection, I would like to refer to the speech of my friend, Mr. Kelkar. He said, perhaps unconsciously, that Sir Purshotamdas Thakurdas has displayed such an indifferent attitude at the present juncture, that he is not present in the House. Sir, he is the Deputy Leader of my Party and I think I must repudiate that statement

on the floor of this House, and I cannot do so better than by quoting from his speech which he delivered in the last Simla session. This is what he said:

"It is quite true that the Indian Merchants' Chamber, Bombay, coupled with the Bombay Chamber of Commerce, did send a wire to the Government of India hoping that this Bill would be published immediately and that it might be possible for Government to see the Bill through this session."

That is to say, the Simla session, and this was the opinion of the Indian Merchants' Chamber as well that this Bill should be enacted immediately.

Several Swarajist Members: What is his opinion?

Mr. Fazal Ibrahim Rahimtulla: His opinion is that he has signed the Report of the Select Committee.

Several Swarajist Members: And his conduct is that he is not present in the House.

Mr. Fazal Ibrahim Rahimtulla: If the Swarajists are determined to obstruct, you cannot expect Sir Purshotamdas Thakurdas to come here and sit in the House from day to day, as he is a busy man.

A Swarajist Member: What did he say in Simla?

Mr. Fazal Ibrahim Rahimtulla: In Simla he said that, in view of the opinions received, clauses 15 and 16 should be amended, and they have been amended, and he is a signatory to the Report of the Select Committee.

My friend, Mr. Jamnadas Mehta, made a long speech in this House: I am sorry he is not present. But I find from his speech that he was groping in darkness. He was, at one time, speaking against the motion for consideration, and in the same breath was speaking for the consideration of this motion. What did he do? At first he said he did not like the Bill. Then he said that he only wanted the amendment of clauses 15 and 16. Now, Sir, the motion before the House is that the Report of the Select Committee be taken into consideration. It is open to this House or any Member of this House to move an amendment when the Bill is taken into consideration, clause by clause, and press it to a division and then oppose the third reading if that amendment is not carried. But Members who criticise or go into the merits or demerits of the Bill are not justified in voting against the consideration of the Bill. Sir, if we go on at this rate of obstruction, we do not know where we will land.

A Swarajist Member: Where is the obstruction?

Mr. Fazal Ibrahim Rahimtulla: It is obstruction. Why did you take part in the meetings of the Select Committee and then come here and vote against the consideration of the Bill?

Mr. M. S. Aney (Berar Representative): But the names of the Members of the Select Committee were not selected with the full knowledge of the facts of the case.

Mr. Fazal Ibrahim Rahimtulla: The President has ruled on that point. If you will see the debate on the subject, you will find his ruling that, when the House accepts the motion to refer the Bill to a Select Committee, it accepts the principles underlying that Bill. Therefore, the Select

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Committee can go only into the merits or demerits of the clauses and cannot deal with the principles of the Bill.

My friend Mr. Jamnadas Mehta has made a great point about the Frontier Mail, in spite of the fact that special facilities were afforded him to get down at the New Delhi station to come to the House in time to take part in this debate. The House knows that ordinarily the Frontier Mail does not stop at the New Delhi station, and for the special consideration shown by the railway authorities to Mr. Jamnadas Mehta they have been criticised by him.

Diwan Chaman Lall: What has that got to do with the Bill?

Mr. Fazal Ibrahim Rahimtulla: That shows the ridiculous position of those who oppose the Bill. There are many such things.

Diwan Chaman Lall: Let us hear some of them.

Mr. Fazal Ibrahim Rahimtulla: I think, Sir, that those who are making out a case that there is no hurry for the Bill and say it can easily wait, are unjustified in that statement. No valid argument has been advanced in support of that statement.

Diwan Chaman Lall: What is the hurry?

Mr. Fazal Ibrahim Rahimtulla: My friend, Diwan Chaman Lall, asks "What is the hurry?" We want to stop the Congress Benches from exploiting labour for political purposes. That is the hurry.

Diwan Chaman Lall: When have they done it?

Mr. Fazal Ibrahim Rahimtulla: My friend, Mr. Jamnadas Mehta, says this Bill is nothing but slavery for labour. My friend, Diwan Chaman Lall, has answered that question by saying, "What does this Bill provide after all?" It provides that there shall be strikes, that you cannot prevent strikes, but that a labourer must give you a fortnight's notice. How can that be slavery or depriving anybody of his freedom?

An Honourable Member: I shall show you.

Mr. Fazal Ibrahim Rahimtulla: What is the use of your saying "I shall show you." You want the Bill to go for circulation.

With regard to the other point, which Mr. Jamnadas Mehta took up, he pointed out that public utility services like the post office, the telegraph office and the telephone are luxuries and not conveniences. I am sorry he is not here, so I will not take up the time of the House in unnecessarily replying to him, because those arguments will not stand water. Coming from Bombay, and knowing everything about Bombay City and Bombay Presidency, he should not make irresponsible statements in this House, and lower the dignity of this House. We are here to conduct business in a manner worthy of its traditions. We want to show Government that we will assist them and co-operate with them on terms which will be for the betterment of the country and the people of India, and any measure which comes forward before this House should be looked at from this point of view.

I want to bring to the notice of this House that this is not the measure which was brought forward by Government on its own initiative. It was

brought forward, as I have pointed out from the speech of Sir Purshotamdas Thakurdas, at the instance of the commercial community of Bombay, and the commercial community requested Government that they should bring in a Bill of this character. It was open to this House to have said that we cannot accept the principle of the Bill. It was open to this House in the Select Committee to amend the clauses according to one's opinion. It is still open to this House to amend the Bill as it thinks best in the interests of India. But I cannot understand any person in this House who considers his responsible position, coming forward and saying that the Bill be referred for re-circulation after knowing the fact that it was once circulated.

Sir, in Bombay we have heard a good deal about trade disputes; and what do clauses 15 and 16 say, on which so much stress has been laid in this House, and about which so much opposition has been shown? In clause 15 the question is nothing but giving a fortnight's notice to the person, so that you may not ruin your industries. You will give the employer a chance so that he may be able to engage new hands if those in service do not desire to work. (*Diwan Chaman Lall:* "Hear, hear."). There is no "Hear, hear" about it. No nation can politically advance unless it is prosperous. And what does clause 16 say? It makes strikes illegal, which have nothing to do with trade. You consider this clause to be political in purpose. It is not for a political purpose, but for a purpose which would prevent politics coming into trade and industries. No person in this House should be a party to having a strike or lock-out in order to manifest his political views or political propaganda. If a person wishes to have his political platform, that platform should be quite separate from trade and industries in this country. Leave trade and industries, and you will be able to carry on your political propaganda successfully.

An Honourable Member: A bait held out.

Mr. Fazal Ibrahim Rahimtulla: My friend, Diwan Chaman Lall, made out a case that he will agree with the first part of this Bill with the necessary amendments which have been proposed by him if Government are prepared to drop the second and third part. This Bill is not Government property. The Bill is before the House, and all the principles have been accepted by the House. Now, it is open to this House either to reject one clause or another, or accept the clauses as they are, or accept the clauses with the necessary amendments, which will be voted in this House. But to say that this House should agree to a dilatory motion without rhyme or reason, without justification, simply in order to avoid taking votes on this question, and thus having recourse to what is known as Parliamentary obstruction, I say, this House is not justified in agreeing to or voting for that motion.

Sir, I have also written a minute of dissent and suggested one or two points. I shall deal with them when my amendments come before this House. I think this House, which has accepted the principles, will do well to accept the motion for consideration, and if they want to change any clause, it will be open for this House, when the amendments come for voting, to decide according to the merits of that particular amendment.

Mr. K. C. Roy (Bengal: Nominated Non-Official): Sir, like my friend, Mr. Fazal Ibrahim Rahimtulla, I had the honour of sitting on the Select Committee, and am one of the signatories to its Report. Throughout the sittings of the Select Committee, we were actuated by three principal

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considerations, namely, the betterment of labour, the betterment of the industrialists, and the betterment of society as a whole, and in their Report I think the Select Committee have succeeded in their objectives. The point which my Honourable friend, Diwan Chaman Lall, has raised was debated in Select Committee at some length, and in the concluding part of the Select Committee's Report there appears the following remark:

"We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended."

The Select Committee's Report has been supplemented by a number of minutes, signed by Members belonging to the Congress and Nationalist and other groups, but in those Minutes of Dissent there is no suggestion made for re-circulation. My friend, Diwan Chaman Lall, is not only a lawyer and a labour leader, but a very distinguished journalist. The Select Committee's Report was signed on the 16th March. It has been before the country for over a fortnight. What is the reception which it has received? We have not read any suggestions in any newspapers or from any public bodies—labour or otherwise—demanding that the Bill should be re-circulated. Possibly he may have received messages from some labour organisation. If so, perhaps he will be good enough to place them on the table of the House.

The next point I would like to make out is, as Pandit Bhargava pointed out, the proposals in this Bill have been before the country for the last five years. What would a further circulation achieve? Nothing. My friend, Diwan Chaman Lall's motion is therefore a dilatory motion. As Sir Darcy Lindsay pointed out, we have spent day after day in improving the Bill, and it is now suggested that the Bill should go on a pilgrimage for the second time all over India. This will be a poor reward for the Select Committee. Mr. Kelkar made a very strong point, which is entitled to a reply. He said, "Why not wait till the Whitley Commission reports?" How long will the Whitley Commission take to make their recommendations? The Honourable Member in charge of the Bill yielding to pressure from us made a very important concession in limiting the duration of the Bill to five years. I think the Whitley Commission will take four years before it reports, because it will not begin its work for another year. They are coming out in October. Thus the Whitley Commission will be enabled to report on the working of this Bill and to make this Bill the foundation of a proper Trade Disputes Bill which this country will need.

Now, Sir, I come to the details of the Bill. Not being a lawyer, I was instrumental in securing the admission of a lawyer into the Court of Inquiries. It was my proposal, which was accepted in the Select Committee. I will confine my remarks to a few observations on the important clauses of the Bill. As regards the first part of the Bill, there was complete unanimity and there was no more or no bigger enthusiast than my Honourable friend, Diwan Chaman Lall himself who now comes round to send the Bill for re-circulation for eliciting public opinion. As regards the most contentious clauses of the Bill, that is regarding public utility services, I must say that I am one of those who has great dealing with the public utility services, such as posts and telegraphs and telephones. I am one of those who are anxious that there should be a clause protecting the maintenance of public utility services against lightning strikes. This is an essential part of this measure, and

this is a measure which is found not only in English-speaking countries, but in all countries. Much has been said by Mr. Kelkar and Diwan Chaman Lall to the effect that the Bill has been bodily borrowed from the English Bill. This, I deny. During the progress of the Bill in the Select Committee, a good deal was heard of the Canadian and other dominion legislations on the same subject.

As regards illegal strikes and lock-outs, a good deal has been said already by Members on both sides of the House, who are more competent to speak on this subject. But I feel that a Bill of this character would be absolutely incomplete, unless you have the public utility services and illegal strikes and lock-outs included in such a measure. But, Sir, it must be admitted that most conservative commercial bodies in Calcutta and elsewhere, such as the Bengal National Chamber of Commerce, have taken great exception to these clauses. My Honourable friend, Mr. Birla, has also taken exception to them, and surely other bodies, excepting the European Chamber of Commerce have taken exception to these clauses in the Bill. But, Sir, these are points which should be considered at the stage of moving amendments. I see there are plenty of amendments on the agenda. To me, as a layman, the Bill appears to be a beneficial measure, a measure worthy of my Honourable friend, Sir Bhupendra Nath Mitra. I know perfectly well, that if my Honourable friend, Sir Bhupendra Nath Mitra, had even the least doubt about the usefulness of this measure, or that it would hit labour in any way, he would not have been author of the Bill. (Applause.) I am sure that this is a useful measure and, therefore, I commend the Bill to the consideration of this House and ask it to reject the motion of my Honourable friend, Diwan Chaman Lall.

Mr. W. A. Cosgrave (Assam: Nominated Official): Sir, I desire to say only a few words against the amendment proposed by my Honourable friend, Diwan Chaman Lall, that the Bill be re-circulated for the purpose of eliciting public opinion thereon. My Honourable friend, Mr. K. C. Roy, has just pointed out that Diwan Chaman Lall signed the Report of the Select Committee on the 16th March.

Diwan Chaman Lall: On a point of personal explanation, Sir. I never signed the Report of the Select Committee.

Mr. W. A. Cosgrave: I will put it the other way. The Report was signed on the 16th March, and the members of the Select Committee said they saw no reason for republishing the Bill. I say that, if my Honourable friend, Diwan Chaman Lall, thought that republication was necessary, he, in view of his undoubted position as a labour leader in this House, ought to have taken the trouble of writing a minute of dissent. My Honourable friend, instead of writing a minute of dissent, springs this motion on the House that the Bill be re-circulated for the purpose of eliciting public opinion thereon. Now we have heard from Honourable Members on the other side of the House, even from those who spoke in favour of the amendment, that nothing would be really gained by this action. I quote the opinion of my Honourable friend, Pandit Thakur Das Bhargava, who, I see, is laughing now. He admitted that, even if the Bill was re-circulated public opinion, as represented by the popular party, would be as much against it in future as it is against it today. Now, Sir, I think I can say that that statement is proof that this motion of my Honourable friend,

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Diwan Chaman Lall, is a purely dilatory motion. I would go further and say that my Honourable friend, Diwan Chaman Lall, has read the opinions of many a labour union, who, of course, are all against the Bill, and I have no doubt that the opinions of the labour unions will be as much against it in future, after six months, because we all know what the labour unions are and we all know under whose control the labour unions are. We know that the labour unions in this country are rather different from the trade unions in England.

An Honourable Member: What is the difference?

Mr. W. A. Cosgrave: The difference is that in England great trade unions, especially like the Railwaymen's union, are dominated or run by men like Mr. J. H. Thomas, for whom we all have the highest respect, by men who started their work, if I might say so, as *chokras* of 12 years old and who have worked their way up to high administrative positions in the unions. Here in India we have our labour unions, or most of them at any rate, which are run on quite different lines. I do not say this of Mr. Joshi's union, because I regard Mr. Joshi as a genuine and real labour leader, and I regard his union as a real union, and I am sorry Mr. Joshi is not here today, and I think we all regret the cause of his absence, but I talk of other unions. I know that in the Railwaymen's union in Southern India, you have Mr. Jogiah's son, Mr. Giri, a very eloquent Barrister, as the leader; we have Diwan Chaman Lall, a very eloquent Barrister, as the leader of another union, and I believe, up till a few years ago, we had Mr. Kabeer-ud-Din Ahmed, as the President of the Seamen's Union, Calcutta. (Laughter.)

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Another eloquent Barrister.

Mr. W. A. Cosgrave: I do not wish to say anything personal. Perhaps he was discarded as too conservative. I do not want to praise him too much. I personally agree with what my Honourable friend Sir Bhupendra Nath Mitra said that the trade unions in India are not quite representative of the people whom they are supposed to represent. This is a thing, of course, which is bound to improve with education, but I see no use in circulating the Bill and having the same opinions dictated by Honourable Members on the other side of the House. For instance we will get the same opinion from the Karachi Sweepers' Union, of which I understand a well-known pleader is the Chairman.

Diwan Chaman Lall: But the Government have consulted them

Mr. W. A. Cosgrave: Quite so, but what is the use of consulting them again?

Diwan Chaman Lall: Then why laugh at them?

Mr. W. A. Cosgrave: Now, I do not want to say much about this very vexed question, about this very contentious clause 16. But I do think that Honourable Members like myself, sitting on this side of the House, after hearing the speech of my Honourable friend, Mr. Jamnadas Mehta, can only believe that a clause like this is necessary to save the working classes in India from being exploited by professional politicians. (Hear, hear.) My Honourable friend Mr. Mehta practically said, "If you do not repeal Regulation III of 1818, we will organise a general strike to make you do so." Well, Sir, are the poor women and children of Bombay to suffer?

Mr. Jamnadas M. Mehta: Are they not interested in Regulation III of 1818 being repealed?

Mr. W. A. Cosgrave: The leaders may be.

Mr. Jamnadas M. Mehta: No, the women themselves are interested.

Mr. W. A. Cosgrave: Are the women and children of Bombay to go on half rations or to go on starving? We know what Mr. Mehta talks about the conditions of life of the working classes in Bombay.

Mr. Jamnadas M. Mehta: Every man and woman is interested in this.

Mr. W. A. Cosgrave: Are these poor people of the working classes to go on starving because they have politicians as leaders who force them to go on strike?

Mr. M. S. Aney: What about saving them from starvation?

Mr. W. A. Cosgrave: Honourable Members on the other side say often that India is a huge country, and that there is no chance of a general strike. They say that it is quite impossible to have the conditions that you have in England; it is quite impossible to have a general strike in India.

Well, Sir, this is not my first session in this Assembly. I was in the Legislative Assembly in 1925. I was at that time very innocent and I knew very little about politics. I got a great shock, I remember, when I heard Sir Charles Innes speaking on the railway budget, and my Honourable friend, Diwan Chaman Lall got up and made a most threatening speech. We were at that time discussing, as far as I remember, the grievances of the subordinate railway employees, and my Honourable friend, Diwan Chaman Lall—he will find it in the reports of the Assembly for 5th February, 1925—said to Sir Charles Innes: "If you do not take this matter in hand at an early date, we are going to take it upon ourselves to organise an all-India strike in order to ventilate the grievances." (*An Honourable Member:* "Why not?") Well, there you are. Well, I am quoting this to show that a time may by chance come when, under the leadership of responsible or irresponsible leaders, there may be an all-India strike, and there is every chance also of the labourers of India being exploited in the interests of politics.

Diwan Chaman Lall: That is not politics; that is a labour grievance.

An Honourable Member: That is a movement for freedom.

Mr. W. A. Cosgrave: Yes, it will be exactly the same as the great English strike of 1926. It may be that there is a grievance in regard to one railway or two railways. True, we may have grievances in railways, but why call in the coal miners? Well, four years have passed since 1925. I only quote that remark to show that it is quite impossible for Honourable gentlemen on the other side to stand up and tell this House seriously that there is no possible chance of a general strike in India.

Well, Sir, as regards the present motion for re-circulation, I think that this Bill has been most thoroughly gone into by the Select Committee, and anybody who likes to study its very interesting Report will see that a large number of improvements have been effected in the Bill. I am very glad to learn that it was my Honourable friend, Mr. K. C. Roy, to

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whom credit is due for the amendment that the people should be represented by legal practitioners in the course of inquiries before Courts and Boards. My Honourable friends opposite may think that, for one reason or another, I do not very much like lawyers. I am not at all against them—in fact I would like to be a Barrister myself. (Hear, hear.) I would say that the question of representation by lawyers was one of the grievances raised in most of the representations received in connection with this Bill and that is one of the genuine improvements that have been made in the Bill.

Now, as regards other improvements, my Honourable friend, Mr. K. C. Roy, has also pointed out that the present Bill is a temporary one; it is only to be in force for five years; and if the Bill is not found to be at all a success, it may or may not be continued, after five years. I do not think it can at all be said by my Honourable friends opposite, that it is a permanent blot on the Statute-book of India. Improvements have also been made as regards the questions of lock-outs, illegal strikes and the penalty to be imposed on the employers for illegal lock-outs. There are also other improvements made, regarding the conditions under which people who are employed in public utility services are not to be dealt with. Sir, for all these reasons, I think that the Bill, as it has emerged from the Select Committee, has been greatly improved, and if, as I understand, a large number of Members do not like the penalties or the principles involved in clauses 16 and 17, well, I think those are questions that can be dealt with when those clauses come to be discussed before the House at a later stage.

I have nothing more to add, Sir, except that I support the motion that the Bill be taken into consideration.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I had no mind to take part in this debate. This is indeed a similar Bill, a twin brother, I may say, to the other Bill the fate of which is yet hanging in the balance—I mean the Public Safety Bill. Following all the debates on this Bill, there is something like a *suppressio veri* or whatever it may be called, something like that, and Members who spoke have not been speaking out, as it were, their whole minds. Some such impression was always perceptible throughout the debate, and the cat has at last come out of the bag. It is now clear, at least from the last two or three speeches, that the real object of the Bill is to suppress all political movements in this country, by, if possible, making labour always remain tangled to capital, as its sweet submissive hand-maid, as if labour has nothing else to do in this unfortunate land, as if it has nothing to do with politics, and as if labour does not want Swaraj, and as though labour wants a regulation such as Regulation III of 1818. The Government seem to think that, because the labourers do not get enough to eat, their, I mean Government's, duty will be always to keep them half-starved and to minister to their wants in such a way as to make them, i.e., the labourers, always look to their own bellies and never look beyond that limit. I say on the other hand, that the masses of the population have decidedly a greater concern in the question of Swaraj than perhaps some commercial men or others who have allied or vested interests in this land.

Mr. K. Ahmed: What vested interest have you—to mislead them, or to make them dabble in politics?

Pandit Nilakantha Das: Sir, today I am not in a mood

Mr. K. Ahmed: Why not?

Pandit Nilakantha Das: to reply to my friend Mr. Kabeer-ud-Din Ahmed. For this is, as my Deputy Leader said, a very grave situation we have got to face today. We have no time to be frivolous. This is no occasion for it. My friend, Mr. Ibrahim Rahimtulla, who was just speaking

Mr. K. Ahmed: He is Mr. Fazal Rahimtulla. You are not in good mood and even forget his name. So better not speak at all.

Pandit Nilakantha Das: He said that labour organisations are used for political purposes which he would not allow. I say, you look at the question with an outlook it deserves, and see if it is so used only in this land. Peculiarly circumstanced as we are, the question moreover has a special significance here in India. Let us not mince matters. (Hear, hear.) I do not know, as a matter of fact, what is not politics in this land. (Hear, hear.) The basic principle of living in this land is the struggle to get free. It is as much necessary to me in this House as it is necessary to the poor man who is engaged in those city slums of Bombay. It is again with a view to relieve him and to give him better conditions of life that we want better Government in this country, that we want our own Government. To that extent at least, all labour organisations and all labour movements are intimately connected with the political movements in the land. Politics divorced from labour is as much sham, as labour divorced from politics is abject slavery—and that specially in a land like India. When one ought to seek the solution of our national problem in a proper study and practical application of this aspect of the question, people from those Benches want to keep politics apart from labour.

Labour, it is said, should not be exploited by politics, or politicians. To men of this way of thinking, labour has never been anything but an object of exploitation. They think of labour in no other terms. Well, it is a question of exploitation in any case. The thing is that the commercial men, and those that have interests allied with them, object to labour being exploited for political purposes. Sir, that exploitation for political purposes, if it is exploitation at all, is quite legitimate. But it is not exploitation. It is education of labour in understanding its own interests. In all such attempts of the politician it is only labour's own interests which are concerned. But, Sir, what about the exploitation of the other side? The other exploitation is the exploitation of labour by capital for commercial and profiteering purposes, for putting money into the pockets of the capitalists at the dire expense of labour. It is for that exploitation that the entire punitive portion of the Bill has been framed, and it is that exploitation which we must counteract—which it is our duty here to combat at any cost.

It has been said, Sir, that there is no necessity and no case has been made out for re-circulation of the Bill. Mr. Fazal Rahimtulla said this. He is not here unfortunately, but in the same breath he says, in his minute of dissent, that the Bill cannot be acceptable unless some clause about picketting gets in there. It was not there, as far as I know, in the original

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Bill; it is not there in the Bill as it has emerged from the Select Committee; but my Honourable friend, Mr. Fazal Rahimtulla, is going to move an amendment to that effect. Is it not proper, Sir, on that issue alone that opinions should be elicited? He speaks against himself, he says all the opinions are there and no more opinions are necessary. But, Sir, he proposes an entirely new amendment himself. This is his amendment:

"After clause 18 the following new clause 19 be added, and the subsequent clause be re-numbered accordingly:

"19. Where any trade dispute is under inquiry or investigation by a Court or Board, any person who, with a view to compel any workman employed by an employer who is a party to the dispute to abstain from doing or to do any act which such workman has a legal right to do or abstain from doing, wrongfully and without legal authority"

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): On a point of order, Sir. Is a discussion of this amendment relevant to the present debate? That is an amendment which will be moved later.

Mr. President: The Honourable Member is giving a reply, as I understand, to Mr. Fazal Rahimtulla. Mr. Fazal Rahimtulla said that there was no necessity for circulation and the Honourable Member is pointing out that, if not for anything else, it was for his own amendment that circulation was necessary.

Pandit Nilakantha Das: I am not moving this amendment myself nor am I criticising it with that object. It is his own personal view; and if for nothing else, I say it is for his own amendment which wants to be inserted in the Bill that opinions are necessary. The amendment proceeds:

"(a) persistently follows such workman about from place to place; or

(b) watches or besets the house or other place where such workman resides, or works or carries on business, or happens to be, or the approach to such house or place, shall be punishable with simple imprisonment, which may extend to three months, or with fine which may extend to two hundred rupees, or with both."

I am sorry to have to say, Sir, that this is more formidable than any of the existing provisions, and on this particular amendment alone opinions are necessary. But I am simply saying that the gentleman who proposes this comes forward in this House and says that no case has been made out for recommitting the Bill for eliciting opinions.

My Honourable friend, Mr. K. C. Roy, suggested that he was a journalist himself and that he always depended upon the opinions of the Press in this matter. If, Sir, the Press has already given their opinions and do not give any fresh opinions at this stage, it is perhaps because they do not think it worth their while to give any more opinions. Perhaps they simply entrusted the entire question to the good sense of the Members of this House.

It is therefore clear that what very small of politics ever enters into the mind of those who hold this view.

what exactly they mean by politics. If we want to give some more wages to the labourers and make that an issue for a general strike, I think we are legitimately entitled to go out into the country and approach the labourers from door to door to go on strike on that issue. If we, the politicians, who look to the better government of the country, who know what the country wants, if we feel that a certain state of things should not continue among our labour population, I maintain, it is our duty, at the risk of being imprisoned even in that Meerut jail or anywhere else, even at the risk of being charged with the most unrelishable intention of exploiting labour for politics, to go from door to door in the slums of cities and ask them to come out on a general strike. But, Sir, if you are going to prevent things like these, you are simply cutting us away from the mass of our people who are the real elements in any fight for Swaraj. You simply do not like that the labouring population of our country should come in contact with us or that we should come in contact with them. Your object is to shut out labourers from all light as well as right of citizenship, to make them convenient victims to your own greed of profit and power. What a horrible idea is this?

The framers of this Bill, Sir, come here and tell us that this is a Trade Disputes Bill, that there was some requisition from certain trade union organisations to have arbitration boards or things like that in order to settle trade disputes. And, Sir, the occasion was taken, when the Government thought the opportunity was ripe, to put in some venom like this. They saw this opportunity and took advantage of this requisition of those trade union organisations in this country to further their own purpose. As the Bill stands, clauses 15 to 20 form a separate portion altogether and have nothing whatever to do with trade disputes as such. If you want to separate trade and industry from the politics of the land, if you want to estrange these two things from one another, you not only destroy our national wealth, but kill our legitimate national aspirations. I must point out, Sir, that politics is comprehensive and is the very life of our nation. To any nation, it is a thing which pervades the entire life of that nation; and to a subject nation I say there is nothing else but politics, pure and simple, in every department of life. I cannot think of a state of affairs in India where even some of my Honourable friends on the opposite Benches can divorce themselves from politics. Every moment in this land the struggle is going on in labour, in industry, in Congress, in fact in every department of human activity, and that struggle is political and political alone out and out. If you will divorce politics from your trades and industries, we will be nowhere; we will not be able to live in this land. This is our position.

Now, as to eliciting opinions, after the full analysis by my friend, Diwan Chaman Lall, of the opinions that you have elicited, how can any one stand up here and say that there is no necessity for re-circulating this Bill. Whether you accept the principle of the Bill or not, it does not matter to me, and I do not want to enter into that technical question. Suppose you did accept the principle of the Bill, you are entitled to change your opinion even now. Even just before the Bill is passed, you are entitled to change your opinion. Now, look at the array of the minutes of dissent.

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as they ought to have taken in this matter. They are callous about it. After all this, to hear it said that no case has been made out to justify a re-circulation of the Bill is simply astounding to me. Again it has almost become customary to say, at the end of the Reports of Select Committees, that no such change has been made in the Bill as to require its further publication. These two or three lines at the end of the main Report of the Select Committee here are being made much of in favour of immediate consideration of this Bill. I have seen it stated so many times in other Reports similar to this. I am a common man; I am not a lawyer; still sometimes I have seen that Bills have emerged from the Select Committee out of all recognition. I am a common man, and even as such I have not been able to recognise some of the Bills after they come out from the Select Committee. You must take me as the test, because lawyers who have to deal with legal matters day after day can find out the intricate points, but I am a common man, and even then, as I have said, I could not recognise some of the Bills after they had come out of the Select Committee. I don't know if I recognise even this particular Bill. But this common formula is here. Sometimes I have myself signed Reports, typewritten without this common formula, which is afterwards put in after the signatures are taken, as if that were a formal matter. I have very often seen such things, and I have myself signed many such Reports, though I did not attach any importance to those three or four lines at the end. The present is a somewhat similar case. Members, again, whose dissent is the very negation of the main Report, are asked to sign the main Report. I myself have got the experience. What importance can they attach to such a signature, and why should they care for the last three lines which is, so to say, a common conclusion to almost all main Reports? Now, to base arguments on those three lines seems absurd.

Well, what a pity, I don't understand the whole situation. We are asked not to use labour for political purposes. Certain clauses of this Bill have been surely used for political purposes, to kill all our political movements, to kill Indian nationalism, as if to promote nationalism is politics, and not to kill it. I cannot enter into the details of those clauses now lest the Chair should call me to order. One way to stifle all legitimate discussion on the Bill is to gag people, by telling them that it is bad that politics should be allowed to be introduced into labour problems. Another way of gagging is to come from the Chair, and it is from the Chair, I know, for it was protection against this gagging that I intended in the point of order I wanted to raise yesterday. For every sentence that I or any one else on this side of the House will utter about these clauses will have intimate reference to facts and circumstances, such as,—how the strikes have been conducted, who are the leaders, whether they are Communists, whether they are influenced by any other labour movement in some other part of the world. Things like these are bound to be discussed, and I do not know whether the Chair will allow it. The Chair will not allow it, but without making such a reference to these things I do not know how the discussion can at all go on. Then, where is the consideration of the Bill? Gagged on both sides the House would feel helpless. There is no scope for discussion. Still people are here who stand as it were hypnotised and take this moral and material gagging as the best argument on the Government side.

Material gagging is there from the Chair. It requires no explanation. To say that politics—national politics—is taboo so far as labour is concerned, is a real hypnotic influence. Politics and labour are poles apart. They are two distinct things and Indian politicians should shun the criminal habit of mixing them up. This is politics—that is labour. I really don't understand this watertight division—this attempt at creating psychological compartments, as it were, to divert our attention from the real issue.

Therefore, Sir, I say that a good case has been made out by my friend, Diwan Chaman Lall, and the Bill must be re-circulated for eliciting opinion, and whether the Whitley Commission comes or not in the meantime, or it comes and goes, it does not matter. I do not attach much value to its being limited for five years. Other Acts were so limited in 1919. Such limitation may again be the thin end of the wedge. I need not predict what is in store for this Bill as an Act, or in effect what may fall to our labour population or to the politicians of India. But my present position clearly is that the Government should not gag people morally and materially, and in various other ways in their attempt at passing the Bill, and the Bill must be re-circulated for eliciting public opinion. There is no other way.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have listened to a number of speeches from my Honourable friends opposite, and I say, with much regret, that I have failed to see any substance in most of those speeches. With regard to the last speaker, Pandit Nilakantha Das, it is possible that he was trying to give vent in this House to his difficulties with Mr. Homi at Jamshedpur, who strenuously resisted the attempts of my friend and other political leaders to wrest the leadership of a particular trade union from Mr. Homi. I shall deal, in the first place, with the arguments that were advanced by Diwan Chaman Lall

Pandit Nilakantha Das: It is no credit to Mr. Homi.

The Honourable Sir Bhupendra Nath Mitra: I shall deal with the amendment of my friend Diwan Chaman Lall that the Bill be re-circulated for the purpose of eliciting opinions thereon. I have listened carefully to the speeches of the supporters of the amendment, and I agree with the speeches against the amendment, that its supporters have failed to make out any case for the adoption of the unusual course which the amendment seeks to introduce in the normal procedure of this House. This procedure has already been explained by the Honourable the Deputy President. As stated by him, the provision in our Manual of Business and Procedure, which provides for the re-circulation of a Bill, as reported by the Select Committee, is intended normally to apply to cases where the changes to which the Bill is subjected in Select Committee are of such a substantial nature that it is necessary that the public should be given an opportunity of expressing their opinions thereon. In the present case, no such changes have been made in the Bill, and all the 19 signatories to the Report of the Select Committee at the time were unanimously of the opinion that the Bill did not require re-circulation. I had the pleasure of discussing with these Honourable gentlemen across the table the various provisions of the Bill, and I must repudiate, on their behalf, the charge which has been levelled against them indirectly by my Honourable friend, Pandit Nilakantha Das, that they put

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their signatures on the document without realising what they were doing. That may be characteristic of my Honourable friend, Pandit Nilakantha Das, but not of those gentlemen who signed this Report.

Now, Sir, the only arguments which I was able to discover in the lengthy speech of my friend, Diwan Chaman Lall, which was full of obvious contradictions, in support of his amendment are as follows. In the first place, he submitted,—I am quoting a few words from his speech,—he submitted, "With due deference with regard to the action taken by the Honourable Member", meaning thereby myself "in circulating the Bill to certain particular organisations, that some very important organisations in the country which are vitally affected by the passing of this measure have not given their opinion in regard to the provisions of this Bill". My friend conveniently overlooked two facts. In the first place, the circulation of a Bill for obtaining opinions thereon, with reference to a motion adopted by this House, is not arranged by the Department of the Government of India concerned, but by the Secretariat of the Legislative Assembly. In the next place, he also overlooked the fact that, with reference to a desire expressed on the floor of this House last September, that Secretariat did arrange for a wide circulation of the Trade Disputes Bill, and that explains why we have received such a large mass of opinions from various parties which have felt interested in the question and from the opinions of some of which my Honourable friend has quoted copiously in his speech. If some parties who should have sent their views on the Bill,—and I am quite aware of the particular party which my friend has in view—failed to do so, the fault rests with them alone and not with the circulating authorities.

My Honourable friend's next point was that the far-reaching importance of clauses 15 and 16 were not prominently brought to the notice of the trade union world in this country, or of the other authorities who have expressed an opinion on this Bill, and that we should therefore give a further chance to the public to reconsider the matter. Now, Sir, in the debate in this House on the 21st September, 1928, the importance and effect of these provisions were fully recognised and stressed on, and as the circulating authority, while circulating the Bill for opinion, also circulated relevant extracts from that debate, it is obvious that the importance of the clauses referred to was brought prominently to the notice of the parties that have given their opinion on the Bill. This is fully borne out by the opinions themselves, from which my Honourable friend placed copious extracts before the House.

My Honourable friend's third point, directly connected with the motion which he has moved, was that there is on the agenda an amendment which seeks to introduce in the Bill a provision directed against picketting; and my Honourable friend's contention, which was stressed by Pandit Nilakantha Das, was that, before that provision is incorporated in the Bill, the public should be given an opportunity of expressing their opinion on it. Now, Sir, if that provision had been incorporated in the Bill, as amended by the Select Committee, my friend and his supporters might perhaps have been on stronger ground in urging that that particular action of the Select Committee gave sufficient cause to this House for adopting the motion which he has moved. But the Select Committee did not take that particular action, and that being so, I submit that the point of my friend's

argument fails so far as his motion is concerned. If that amendment is moved on the floor of this House and you, Sir, do not rule it out of order and the House adopts it and eventually passes the Bill with the amendment, then the amended Bill will embody a decision of the House, and the Manual of Business and Procedure of the House makes no provision for the further circulation of the Bill.

My Honourable friend's last point was that this House does not include any elected representatives of the labouring classes. Now, Sir, that is a disability under which this House labours under the existing constitution and it will continue to so labour until the constitution is changed. But that is no adequate reason for its not passing any legislation which affects the interests of the labour classes. I thought that, though the labouring classes had no elected representatives, they were adequately represented by my Honourable friend, Diwan Chaman Lall, and other Members, who for some reason or other make it a point to take some interest in the welfare of labour. In any case, that objection will not be met by the acceptance of the motion for the re-circulation of the Bill.

My Honourable friend, Mr. Kelkar, in supporting the motion for re-circulation, has produced an additional argument that the time taken in this process will enable Members of this House to study the Report of the Bombay Strike Inquiry Committee of 1928-29, commonly known as the Fawcett Committee. Now, Sir, I have studied that Report and have studied it with some care. It does not contain anything connected directly or indirectly with the provisions in the Bill before the House; nor does it express any opinion which has any bearing on any of those provisions. The reason is obvious. It was not within the scope of that Committee to examine or express its opinion on measures of a general character like those which the Bill before the House seeks to enact. It was appointed to deal with certain matters specified in its terms of reference and it has dealt with them. Its findings will undoubtedly be very useful to other people who may have to deal with specific disputes in other industries, but they are of no value to people who are engaged in the consideration of the general problems now before the House, namely, a general provision for the investigation and settlement of trade disputes and for certain other purposes appearing in the Bill under consideration.

To my mind, the position in regard to the Bill before this House is as follows. The Bill was circulated, and widely circulated, for the purpose of eliciting opinion on its provisions. As a result, we have received a mass of opinions. These opinions show a considerable divergence of views in regard to the various provisions of the Bill. It is the function of the House, after due consideration of those opinions, to form its conclusions in regard to those provisions, and in order to help it in arriving at such conclusions, the House committed the Bill to a Select Committee after it had accepted its principles. The Select Committee was composed of representatives of all sections of this House. That body has presented its report, together with an amended Bill which, in the main, has the approval of 13 out of 19 signatories of the Report. The time has now come for this House, and for the Legislature as a whole, to give its decision on the Bill. As I have pointed out, further circulation of the Bill will not be of any assistance to the House, and strictly speaking, it is not contemplated in the rules of procedure. I submit that, in coming to a

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decision, the House must not pay any attention to threats like that held out by my friend Diwan Chaman Lall, that if the Bill is passed, the trade-unions would call the workers out for one day's general strike. Sir, I oppose the amendment.

The opposition to my motion that the Bill, as amended by the Select Committee, be taken into consideration, has centred round two specific provisions of the amended Bill, namely, clauses 15 and 16 and the provisions consequential to clause 16. In the Select Committee, clause 15 was accepted by 14 out of the 19 signatories, including my Honourable friend Mr. Birla. Clause 16 was accepted by 13 out of the 19 signatories. That shows, Sir, that there was a considerable mass of opinion in favour of these provisions. I submit, Sir,—and the point has already been urged by some of the speakers who spoke before me—that the more appropriate course for this House would have been to discuss these provisions when the Bill is examined clause by clause. There is no reason why the House should throw out the consideration of the whole Bill if it wants to delete those particular provisions.

At the same time I should like to make a few observations of a general character in regard to these clauses. I do not propose to discuss the views of my friend Mr. Jamnadas Mehta in regard to public utility services. I know that his party and his colleague Mr. Chaman Lall will not subscribe to those views. It has been argued by some responsible Members opposite that clauses 15 and 16 will operate to take away from the workmen an elementary right of citizenship, namely, the right to strike. My Honourable friends were not kind enough to throw any light, for the information of other Members of this House, as to how this elementary right was derived,—what was the sanction behind this elementary right? Now, Sir, a good deal of light is thrown on the subject by the publications of the International Labour Office, Geneva, and I shall quote just a few extracts from some of these. I shall first give a few quotations from a book called "Freedom of Association", Volume I. On page 77 of that book it is stated:

"The only country in which the right to strike is recognised in the constitution is Estonia. The German constitution recognises the right to combine but not the right to agree upon concerted action."

On page 79 we find:

"The right to strike is not an absolute right enjoyed under all circumstances by all workers without distinction."

Mr. S. Srinivasa Iyengar: It is a common law right here unless taken away by statute.

The Honourable Sir Bhupendra Nath Mitra: I am giving the position in other countries, as examined and summarised by the International Labour Office at Geneva. Then, on page 80, we find:

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"In a number of countries the prohibition of strike action extends to all workers, for example, workers employed in the public services and in vital industries."

On page 81 it is stated:

"Strikes of public officials are practically universally prohibited."

and that would cover officials on railways and the Postal and Telegraph Department, and some of the other public utility services in India. The Bill before the House is much less drastic.

Mr. Jamnadas M. Mehta: Officials mean workmen?

The Honourable Sir Bhupendra Nath Mitra: Where the railways are run by the State, public officials will include employees of State Railways. I shall then refer to a book issued by the International Labour Office.

Mr. Jamnadas M. Mehta: They are public servants?

The Honourable Sir Bhupendra Nath Mitra: I can assure my Honourable friend, Mr. Jamnadas Mehta, that I am absolutely correct about my facts. He knows very well that, in the Select Committee, my friend Mr. Chaman Lall had to admit the position in regard to Switzerland. I shall now quote from another book issued by the Geneva Office called "*The Conciliation and Arbitration of Industrial disputes: An International Survey*". On page 26 of that Book it is stated:

"All disputes in public utilities have likewise been considered in various countries as being of a special type, inasmuch as the public is particularly affected and consequently has a right to intervene so as to minimise the possibility of a stoppage of work. It is also pointed out that, since the workers in these industries are in a particularly strong strategic position, by reason of the essential services which they perform, there is no injustice in curtailing, to some extent the right to strike."

Further on, on page 27, it is stated that:

"Certain disputes of a general nature, by reason of their great economic or social importance, may likewise be considered as materially affecting public welfare, and as such to justify extraordinary measures being taken."

Now, Sir, as I have already stated, the provisions as they stood in the original Bill were not wholly copied from the law of England. In the Bill now before the House, those provisions have been modified in matters of important detail, as the result of deliberations in Select Committee, and my point is that similar provisions are considered to be appropriate in the legislation of other countries of the world. Therefore, it is wrong on the part of my friends to impute any motives to me in the matter. Anyhow, my withers are unwrung; and I have every hope that this House will adopt the motion which I placed before it yesterday.

Mr. President: The original question was:

"That the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved:

"That the Bill be re-circulated for the purpose of eliciting opinions thereon."

The question is that that amendment be made.

The Assembly divided:

AYES—41.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.

Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Rang Behari Lal, Lala.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

NOES—60.

Abdoolah Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Croker, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyed.
Hyder, Dr. L. K.
Ismail Khan, Mr. Muhammad.
Jowahir Singh, Sardar Bahadur Sardar.

Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Ranga Iyer, Mr. C. S.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Tirloki Nath, Lala.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. President: The question is:

"That the Bill to make provision for the investigation and settlement of trade disputes and for certain other purposes, as reported by the Select Committee, be taken into consideration."

The Assembly divided:

AYES—59.

Abdoolah Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Croker, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyed.
Hyder, Dr. L. K.
Ismail Khan, Mr. Muhammad.

Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Tirloki Nath, Lala.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

NOES—40.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.

Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

The motion was adopted.

Mr. President: The House will now consider the Bill clause by clause. The question is:

"That clause 2 stand part of the Bill."

Mr. V. V. Jogiah (Ganjanr *cum* Vizagapatam: Non-Muhammadan Rural): Sir, before I move my amendment No. 7, I have a request to make. My amendment No. 22 relates to clause 4, and unless that is accepted by the House, this amendment would not arise.

Mr. President: Does the Honourable Member wish to move his amendment or not?

Mr. V. V. Jogiah: Unless my amendment No. 22 is accepted, this would not arise.

Mr. President: Diwan Chaman Lall.

Diwan Chaman Lall: Sir, I beg to move:

"To sub-clause (d) of clause 2 of the Bill the following be added:

'and is neither an official nor a financier nor a director of a joint stock company nor a landowner'."

Sub-clause (d) of clause 2 reads:

"a person shall be deemed to be 'independent' for the purpose of his appointment as the chairman or other member of a Court or a Board if he is unconnected with the dispute with reference to which the Court or the Board is appointed and with any trade or industry directly affected by the dispute."

I want by my amendment to add the following words at the end of the clause:

"and is neither an official nor a financier nor a director of a joint stock company, nor a landowner."

The purpose of my amendment is very obvious and it is this. It was the intention of the framers of the Bill, as well as the intention of the members of the Select Committee, as far as I can remember, that only independent persons should be nominated for certain purposes, namely for a Court or Board, as Chairman or in any other capacity. The question is what is the definition of an "independent person". The definition of "independent person" has often been given humourously as a person who cannot be depended upon. (Laughter.) That is not the sort of independent person that we want for the purpose of a Court or a Board. What we want is to exclude interested parties from both sides, and if the intention of the Government and members of the Select Committee is to have an independent Chairman on a Court or a Board, it is absolutely essential that, when there is a dispute between workers on the one side and the employers on the other, the members belonging to these two classes should not be appointed either as Members or as Chairmen of these Boards or Courts. This seems to me to be a self-evident proposition. What has the Select Committee done? The Select Committee, in choosing the word "independent", said that he must not be connected with any trade or industry directly affected by the dispute. Now, as to directly affected by the dispute, I will give an example. If there is a dispute between, let us say, Mr. Birla's mills in Delhi and his workmen, then nobody interested

in Mr. Birla's mills from the managerial or the proprietary point of view shall be appointed to the Court or the Board to inquire into this dispute. I conceive that there are other mills down here, and a person may be appointed on this Board or to this Court who represents another mill in the City of Delhi and that mill may be connected, by some means that we are not aware of, financially or otherwise, with the mill in which the dispute has arisen. How is the independent attitude of the Chairman or a member of the Board or the Court to be ensured if he happens to belong to the particular class with which the dispute has arisen? Let us take, for example, that a dispute has arisen in the mill industry. How would it better matters if only the person who is directly interested in the industry is excluded, but not the person who is indirectly interested in that industry, namely a person who belongs to that particular class? For instance, there is my Honourable friend, Mr. Fazal Ibrahim Rahimtulla. Let us take a dispute in Bombay, and if Sir Purshotamdas Thakurdas is affected, it may be that the father of Mr. Fazal Ibrahim Rahimtulla is asked to be the Chairman or a Member of the Board or the Court set up under this Bill. I am certain that he himself would agree with me that that is a thing which is not desirable, if you intend to put on these Courts or Boards absolutely independent persons. Therefore my suggestion is that all categories which relate to a particular class should be excluded, not only those people who are directly interested in the industry should be excluded, but those who are indirectly connected with the industry, that is to say, those who belong to that particular class, should also be excluded. It is for this reason that I have gone further than the framers of this clause in the Select Committee and suggested that no person, who is a financier or a director of a joint stock company, or a landowner, should be chosen as a member and be considered as an independent member for the purpose of sitting in a Court or a Board. My reason is very obvious. Here is an industry in which a dispute has arisen. There are financiers who are financing that industry. Are the Government to put men who are financing this industry on these Boards or Courts, and call them independent men? They may not be directly connected with the industry, but certainly their affinities or affiliations are such that no independent character can be given to these persons.

Take again the question of a director of a joint stock company or the director of a bank that lends money to particular mills. Are you going to choose men who are indirectly connected with these mills in their capacity as directors of banks or joint stock companies which assist these mills or which finance these mills, or which are in some way or other connected with the running of these industries?

Lastly it may happen that a particular mill is situated upon land or soil that belongs to a particular landlord. I suggest that the real reason why it is necessary to safeguard the independent character of these people, who are put upon these Boards and Courts, is that there should be no semblance of prejudice in the inquiry and no semblance of prejudice in the Board of Conciliation that is constituted. Both the parties, both the workers and the employers should be seised of this fact, namely that the men who are appointed to the Boards and Courts are absolutely independent, unbiassed and unprejudiced. That can only be achieved if we exclude from this category all people who can possibly be interested in coming to a decision, or in the effect of that decision, when it is given. Therefore,

[Diwan Chaman Lall.]

I submit that it is essential that we must be perfectly clear as to the category of people who can be chosen as independent persons either for Courts or for Boards.

Mr. S. Srinivasa Iyengar: Sir I should have expected the drafting of clause (d) should have been, "A person shall not be deemed to be independent if he is connected with the dispute and so forth." But I think the clause, as worded, is so curious, that a person shall be deemed independent if he is unconnected, and therefore I would support the amendment which Diwan Chaman Lall has moved for want of a better amendment.

The Honourable Sir Brojendra Mitter (Law Member): Sir, the amendment, if accepted, would make clause (d) unworkable. The question will arise as to who is a landowner. The word "landowner" is not defined in the Bill. Much litigation will centre round the interpretation of the word "landowner". If you include the word "landowner" in clause (d), then my Honourable friend Mr. T. C. Goswami will be excluded, and surely my Honourable friend, Diwan Chaman Lall, would not like Mr. Goswami to be excluded.

Diwan Chaman Lall: I was going to cite the example by excluding him myself. I want him also to be excluded. (Laughter.)

The Honourable Sir Brojendra Mitter: My point is this, that the word "landowner" is not defined in the Bill. That being so, the question is, who is a landowner? One who owns an acre of land, or one who owns a hundred acres of land? Then take the word "official". If you exclude an official, would you exclude a Judge of the High Court? Supposing it is possible to secure the services of a Judge of the High Court, is it the intention of the Mover of the amendment that the Judge should be excluded from the Chair? Who is an official? Is he a Government official, or an official in a private company or a private firm? What is the meaning of the word "official"?

Diwan Chaman Lall: What is the meaning of it in the Municipal Act?

The Honourable Sir Brojendra Mitter: I am not answering questions. I am only stating some of the objections to the amendment. I say that, if you insert these words, you will be introducing a vagueness and an uncertainty into the Bill, which will make the Bill ridiculous. Then what is a "financier"? If a man lends Rs. 10, say a village *sowcar*, is he a financier? Or if a man lends Rs. 5 lakhs, is he a financier? What I say is this: if you accept this amendment, it would make the whole of sub-clause (d) ridiculous, difficult of interpretation, and you will be introducing a vagueness into the Bill which I am sure it is the intention of the House to avoid. (Hear, hear.) Sir, I oppose the amendment.

Mr. N. O. Kelkar: I hope my Honourable friend, Diwan Chaman Lall, will understand me aright if I say that I do not agree with him in the matter of this amendment. (Hear, hear.) The proverb is that charity begins at home; but I find from the observations of Diwan Chaman Lall that uncharity or discharity, or whatever it may be, is to begin at home; and he instanced himself as a person belonging to a category which should be excluded from holding these offices, simply because he is a landowner. But there are many landowners like him, or even smaller landlords, and

there are directors of companies and others who do some sort of business, who would not like to be excluded, if they be appointed as chairmen of committees like this. Disputes do not arise always in Calcutta or Madras or Bombay alone; we have also got to consider the fact that they may happen, once in a way, in the mofussil also, and it may be necessary for an ordinary man, in an ordinary position, but yet a respectable man at the same time, to become the chairman of a committee like this, because he wields great influence in that locality and is regarded as a very impartial man. I say, why should he be disqualified simply because he is a landowner or a banker or a financier? I do maintain, Sir, that in this particular matter, Diwan Chaman Lall, with the best of intentions, has thrown the net rather too wide. The amendment includes a number of people belonging to various categories, upon whom this sort of exclusion may be an aspersion. I stand up now to vindicate the self-respect of those people on the analogy followed in the case of the Reserve Bank Bill. The House is aware that an attempt was made in the course of the discussion on that Bill to throw similar discredit and dishonour upon people who were to be excluded from being directors of the Reserve Bank. I for one then stood up against that sort of aspersion; and, now, here is another opportunity. Therefore, though I do wish to express my friendliness to Mr. Chaman Lall in regard to the objects which he has in his mind with regard to this Bill, still I must frankly state, on the floor of this House that I do entirely disagree with him in the matter of this particular amendment. I do not want so many people, indiscriminately and without specific reason, to be excluded from a position of honour and duty in respect of which they may be called upon to do a little service in the way of solving a small trade dispute in their locality. Once again, I will say that trade disputes do not necessarily arise only in big cities, and we are not here thinking of the big people at all. I have in my mind even people of smaller status and education. Now, take the case of a director of a joint stock company. Supposing I am a director of an insurance company, which is not at all connected with any trade dispute as such. The insurance company would be interested only in insurance business, and it is not likely that it will come into touch with any trade dispute. In that case, should the director of an insurance company be excluded? Again, I may be a director of a co-operative bank. Why should I be excluded from settling a dispute if my influence is sufficient to settle a trade dispute? Therefore, in all friendliness, I would ask Diwan Chaman Lall to withdraw the amendment.

Mr. President: The question is:

"To sub-clause (d) of clause 2 of the Bill, the following be added:
'and is neither an official nor a financier nor a director of a joint stock company nor a landowner'."

The motion was negatived.

Mr. President: I think it will be convenient if we adjourn now.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 4th April, 1929.

LEGISLATIVE ASSEMBLY.

Thursday, 4th April, 1929.

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

THE PUBLIC SAFETY BILL—*contd.*

The Honourable Mr. J. Orerar (Home Member): Mr. President, you drew the attention of the Government last Tuesday to certain difficulties which you felt in connection with the further discussion in this House of the Public Safety Bill. I understand that your difficulty, put shortly, is that the case for the Bill and the case for the prosecution in the Meerut conspiracy case are substantially the same. Therefore it is not possible to argue the case for the Bill without arguing the case for the prosecution and making statements which are likely to prejudice the trial. You also suggested, if I understood you aright, that, apart from the actual discussion in the House, if the House accepts the Bill, this will prejudice the trial. You doubt whether, in these circumstances, in discharge of a power that you conceive the Chair to possess, you can allow the Government to proceed further with the Bill at this stage, and you have accordingly advised the Government either to postpone the Bill till the conclusion of the Meerut trial or to withdraw the Meerut case and then proceed with the Bill.

The Government have given their very careful consideration to these views. It appears to them that they rest in part on a misunderstanding of the facts and in part on a misconception of the powers conferred upon the President by the Rules and Standing Orders of this Chamber. With regard to the first point, the Government, in the discharge of their responsibilities, are entitled to ask this House to entrust them with certain powers. For this purpose they do not require to refer to any detailed allegations which will be for the adjudication of the Court, and they are of opinion that nothing need be said which would prejudice the matter which is before the Court, namely, whether the thirty-one accused persons or any of them have entered into a conspiracy to deprive the King-Emperor of the sovereignty of British India. Nor can they agree to the proposition that if the House decides to place in the hands of Government powers intended to prevent or check subversive propaganda in this country, this fact will in any way prejudice the decision of the question whether these accused persons have or have not entered into the conspiracy alleged against them. The principle of the Bill has already been subjected to the most comprehensive discussion in two sessions and has recently been affirmed by the House by a substantial majority. The primary matter now before the House is the consideration of the changes of detail made by

[Mr. J. Crerar.]

the Select Committee in respect of the adequacy or reasonableness of the powers to be conferred and the amendments of which Honourable Members have given notice. It does not appear to the Government that the discussion of these matters with due regard to the observance of the rule prohibiting reference to facts on which a judicial decision is pending, need cause any inconvenience to the House or embarrassment to the Chair in maintaining the rule. This view is reinforced by the fact that you, Sir, found no occasion when the Honourable the Law Member moved on the 28th March last that the Bill as reported by the Select Committee be taken into consideration, to object to anything that was then said on behalf of Government on the ground that it infringed the provisions of Standing Order 29.

The point, however, to which the Government attach the greatest importance is that, in their opinion, neither the Legislative Rules nor the Standing Orders confer on the President the powers which you apparently claim of refusing to allow further discussion of the Bill on the grounds suggested. Rules 8, 12 and 23, on which you appear to rely, do not relate to the discussion of a Bill, their content being restricted to questions, Resolutions and motions for the adjournment. In the case of a Bill, the relevant powers of the President in the matter of debate are contained in Standing Order 29. It is his duty to see that the directions laid down therein are observed. The power vested in him is to be exercised for the control of individual Members while speaking and cannot be employed for the purpose of preventing Government business from being transacted. As I have already indicated, the Government will give every assistance to the President in ensuring that, on their part, the rule which prohibits reference to matters of fact on which a judicial decision is pending is not violated, and they have every confidence that you, Sir, will be able to regulate the debate in accordance with the rules of the House. But they must repeat that, in their opinion, no rule or Standing Order of this Chamber authorises the President to decide whether Government should or should not be allowed to proceed with legislation which it desires to submit for the consideration of this House in a case where all the requirements of the rules and Standing Orders preliminary to the moving of a motion have been fulfilled, as they have been in respect of this Bill; and I must make it plain that Government would regard any such claim as incompatible with the undoubted discretion of Government, under the constitution, to decide what legislation it shall ask the House to pass and when, and the equally undoubted right of this House to decide whether it will discuss and pass the legislation so placed before it. The House is now seized of the Bill and I submit that it is beyond the powers of the Chair to withhold the Bill from its consideration.

In the circumstances, Sir, you will understand that Government regret to find themselves unable to accept either of the alternative suggestions you put before them. They regard the passing of the Bill as a matter of urgent importance to enable them to fulfil their responsibilities for the government of the country, and they could not contemplate the withdrawal of a criminal case, the decision of which they regard as essential in the public interest. The submission of the Government, therefore, is that, in accordance with the rules of the House, you, Sir, should direct the House to proceed, as soon as may be, with the consideration of the Public Safety Bill.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): May I ask you, Sir, to allow this House an opportunity to consider the long and learned statement just made by the Honourable the Home Member and to express its views upon it before you give your ruling on the point?

Sir Darcy Lindsay (Bengal: European): I join, Sir, with my Honourable friend in putting forward a similar request.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): So do I, Sir.

Mr. President: I think I must accept the request made by Honourable Members and it will be my duty to give them the opportunity they seek before I give my ruling. I wish it were possible for the Honourable the Leader of the House to circulate a copy of his statement to all Honourable Members so that they might be in a position to express their views before the Chair comes to any decision on the point. Of course, it is not for me to direct the Leader of the House to do so, but I hope, in all fairness, he will agree to circulate a copy of his statement to all Honourable Members.

The Honourable Mr. J. Crerar: I shall endeavour to make copies of the statement available as soon as possible, Sir. In view of what you have said, I would request that, after you have announced your conclusions, you will give me an opportunity of making a further statement as to the position of Government.

Mr. President: Does the Honourable Member mean, after I have announced my decision?

The Honourable Mr. J. Crerar: Yes, Sir.

Mr. President: The Chair will have to consider that.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I rise on a point of order and ask for a ruling from the Chair. Is there any rule in the Standing Orders that, when a ruling is asked from the Chair, the Chair should consult the Leaders of the Parties, and only after hearing the other side, the ruling should be given, or is it according to the rules and Standing Orders that the Chair should be in a position to give a ruling straightaway when it is asked for, without consulting the Leaders of any Parties?

(No answer was given.)

THE TRADE DISPUTES BILL—*contd.*

Mr. President: The House will now resume further consideration of the Trade Disputes Bill, clause by clause. The question is:

"That clause 2 stand part of the Bill."

Diwan Chaman Lal (West Punjab: Non-Muhammadan): Sir, I beg to move the following amendment:

"In sub-clause (e) of clause 2 of the Bill, for all the words occurring after the words 'in consequence of a dispute' the following be substituted:
'or with the purpose of aiding another employer'."

[Diwan Chaman Lall.]

Now, Sir, sub-clause (e) of clause 2 reads as follows:

"(e) 'lock-out' means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, where such closing, suspension or refusal occurs in consequence of a dispute."

and it is here, Sir, that I want to add the words:

"or with the purpose of aiding another employer."

I think it will make the clause perfectly clear if you add the words that I suggest, because what is meant is that a dispute does not necessarily mean a dispute between an employer and an employee but also disputes arising out of a desire on the part of one employer to assist another. I think the proposition is self-evident.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I must oppose the amendment. As it is, the words are there "and is intended for the purpose of compelling those persons, or of aiding another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment." The more important words are "to accept terms or conditions, etc." The amendment proposed by my friend, Diwan Chaman Lall leaves the position delightfully vague, and therefore I am not prepared to accept the amendment.

Mr. President: The question is:

"That in sub-clause (e) of clause 2 of the Bill, for all the words occurring after the words 'in consequence of a dispute' the following be substituted:

'or with the purpose of aiding another employer'."

The motion was negatived.

Diwan Chaman Lall: Sir, I beg to move the following amendment to clause (g):

"That sub-clause (g) of clause 2 be omitted."

My reason for moving this amendment is that I do not desire that we should include any reference to public utility services in the body of this Bill. This will in reality be a consequential amendment when we discuss clause 15 of this Bill, and it is not necessary for me now to go into the merits of the question, because I shall deal comprehensively with the question of the inclusion of public utility services in the body of this Bill when I come to deal with clause 15. I merely desire now to point out that my intention in moving this amendment is to exclude public utility services from the ambit of this Bill.

The Honourable Sir Bhupendra Nath Mitra: Sir, as I consider it essential that public utility services should come within the ambit of this Bill, I must oppose the amendment.

Mr. President: The question is:

"That sub-clause (g) of clause 2 be omitted."

The Assembly divided:

AYES—27.

Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.

Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Ranga Iyer, Mr. C. S.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Ram Narayan.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

NOES—53.

Abdoola Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Ismail Khan, Mr. Muhammad.
Jowahir Singh, Sardar Bahadur
Sardar.

Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Tirloki Nath, Lala.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfikar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Mr. President, I suggest that it would be more convenient to take the definition clauses relating to clauses 15 and 16, which are objected to by some of the Members on this side, afterwards, because these clauses really relate to clauses 15 and 16. If by any chance clauses 15 and 16 go out, then these definition clauses would be unnecessary. I would therefore suggest that these definition clauses be taken after a decision has been taken on clauses 15 and 16.

Mr. President: I have no objection to the course suggested by the Honourable Member if the Government have no objection on their part.

The Honourable Sir Bhupendra Nath Mitra: If that point had been raised by my Honourable friend Diwan Chaman Lall, when he moved his amendment, I should have readily agreed to it. The position which has now emerged is this. There was a debate on the merits of the specific amendment that sub-clause (g) of clause 2 be omitted, Diwan Chaman Lall urging that public utility services should be removed out of the ambit of the Bill, and I taking the opposite view. That was pressed to a division and the House divided and has recorded its opinion on that proposition. That being so, I find myself in a position of some difficulty.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I say that the Honourable Member's contention is obviously unsound? Does he mean to say that our having dealt with sub-clause (g) of clause 2 would be tantamount to our having given a vote on clauses 15, 16, 17 and 18? That is not so.

An Honourable Member: We have not even voted on clause 2.

Mr. A. Rangaswami Iyengar: Therefore it is a rule of convenience that we are suggesting, and it would be wrong for the Government, without putting the full issue before the House on the main question, to go on with the definition clause, and without making the House realise the implications of passing the definition clause, to go and ask the House later to deal with the other clauses. It is a demand which, in fairness, the Government should not make.

Mr. S. Srinivasa Iyengar: Interpretation clauses are generally taken last.

Mr. A. Rangaswami Iyengar: Yes, interpretation clauses are taken after the substantive clauses of the Bill are passed.

The Honourable Sir Bhupendra Nath Mitra: The error of procedure, if any, is one for which the responsibility can hardly be laid at the door of the Government.

Mr. S. Srinivasa Iyengar: But there is no *res judicata*.

The Honourable Sir Bhupendra Nath Mitra: My friend, Diwan Chaman Lall, must have himself raised the point when he moved that amendment. Later on I submit the wisest course for him should have been not to press his amendment to a division, but by doing so he pressed the substantive issue to a division. His wisest course would have been not to press the amendment to a division, because this would be an amendment consequential on a change in the Bill which arises out of the deletion or otherwise of clause 15. That is the position, and thereafter I shall be content to leave the matter in the hands of the Chair.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): May I submit that the Honourable Member in charge of the Bill seems to be under a misapprehension. The result of the voting on the amendment of Mr. Chaman Lall is simply this, that sub-clause (g) is not omitted, but clause 2 as a whole remains to be considered by the House on its merits, and therefore I do not think that any inconvenience arises as a result of the Lall. emir

Mr. President: In view of the fact that the Honourable Member has left it to the Chair to decide whether clauses 15 and 16 should be taken up first, or whether clause 2 should be proceeded with, I decide that it would be more logical and reasonable to take up clause 15 now.

The question is that clause 15 stand part of the Bill.

Diwan Chaman Lall: I move that clause 15 be omitted.

Clause 15 reads as follows:

"(1) Any person who, being employed in a public utility service, goes on strike in breach of contract without having given to his employer, within one month before so striking, not less than fourteen days' previous notice in writing of his intention to go on strike, or, having given such notice, goes on strike before the expiry thereof, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer carrying on any public utility service who locks out his workmen in breach of contract without having given them, within one month before such lock-out, not less than fourteen days' notice in writing of his intention to lock them out, or, having given such notice, locks them out before the expiry thereof, shall be liable to imprisonment which may extend to one month, or to a fine which may extend to one thousand rupees, or with both.

(3) Where the employer committing an offence under sub-section (2) is a corporation, company or other association of persons, any secretary, director or other officer or person concerned with the management thereof shall be punishable as therein provided unless he proves that the offence was committed without his knowledge or without his consent.

(4) No Court shall take cognisance of any offence under this section or of the abetment of any such offence save on complaint made by, or under authority from, the Governor General in Council or the Local Government.

(5) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section."

Now, Sir, the principle underlying this clause is to penalise workers going on strike, who are employed in public utility services. The definition of public utility service is as given by the Honourable Member and the Select Committee in clause 2. The principle is obviously based, according to the Honourable Member, upon the convenience of the public. It is based also, according to the Honourable Member, upon the safety of the realm. Now, I cannot understand why a public utility service, to be defined later on, should be singled out in this behalf, except on the ground that there is similar legislation to be found in other countries, and that the Honourable Member is afraid that, if these workers go out on strike, great inconvenience and hardship would be caused to the employers or to the Government. The whole basis of a strike is, I submit, to cause inconvenience to the employer. There is no *raison d'être* for a strike unless the strikers can coerce the employers to yield to them certain terms that they demand. If that is the inherent right of a worker, namely, to go out on strike whenever he chooses, why should the Honourable Member proceed to penalise his action? If there is any justification on the part of the employer, he can utilise the ordinary law of the land against the worker. If I am under a contract with an employer and I cease work without giving due notice required by law, I can be hauled up in any civil court for damages. Why does the Honourable Member wish to import criminal intentions into action of this nature? What is the justification for it? Let us take the example of a railway. If a worker ceases

[Diwan Chaman Lall.]

realise that there is no basis for the contention mooted by the Honourable Member. A strike is essentially an infliction of a hardship; it may be upon the employers; it may be upon the public. It is the last resort of the worker, in order to compel the employer to yield certain terms of employment to him which he would not otherwise give him. The ordinary law of the land is there. The Civil Courts are there. The Honourable Member knows perfectly well that, if a worker stops work without giving due notice, he can be hauled up in the Civil Court and damages obtained from him. Why do you want to go beyond that?

My friend, Mr. Fazal Rahimtulla, waxed very eloquent on this particular matter and said that this clause was not penal, that it was not a slave clause, that there was no semblance of slavery in it. I interrupted him at that time and I want to explain exactly what will happen. Take the North Western Railway. Workers cease work. Under this clause, they must give notice of 14 days, and suppose they do not go out on strike within a month of giving of that notice, during that period, according to my friend, Mr. Fazal Ibrahim Rahimtulla, an opportunity is given to the employer to obtain the services of black legs in order to down the employees. If that is the proposition which my friend placed before this House so openly, frankly and honestly, does he not realise that he is placing a weapon in the hands of his employers which is going to be used to the detriment of the workers?

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Why?

Diwan Chaman Lall: I will explain why. Now, the employers know perfectly well that if the employees are going on strike, then, according to the showing of the Honourable Member, the employers will proceed to employ black legs. In other words, they will proceed to break up the strike. They will proceed to break up the organisation of the employees, and still the Honourable Member who mooted this very proposition wants to ask how it will act to the detriment of the employees. Does he realise that the whole basis of a strike is to win certain conditions out of the employers by coercing the employers?

Mr. Fazal Ibrahim Rahimtulla: And causing inconvenience to the public.

Diwan Chaman Lall: My friend says "causing inconvenience to the public". I do not mind to whom the inconvenience is caused. Does the Honourable Member realise that the conditions of employment are so bad that the employees are forced to go out on strike and that the employers are actually causing grave hardship to their employees?

Mr. Fazal Ibrahim Rahimtulla: Question.

Diwan Chaman Lall: My friend says, "Question". It is very easy to question, not knowing anything at all of the subject.

Mr. Fazal Ibrahim Rahimtulla: You know better?

Diwan Chaman Lall: If these workers resort to a strike, it is because it is the last weapon that they possess. If they go on strike, they do not do so light-heartedly. They do so only when they have tried every other weapon that they could employ and found them useless. They go on

strike to show that the conditions of their employment are such that they would sooner put up with starvation than work under the conditions in which they work. The Honourable Member knows the reason why. I would ask him once again to concentrate upon the main problem. The Honourable Member admitted himself, to the loud applause of the Treasury Benches, that the one aim and object of giving this notice is to enable the employer to obtain the services of black legs.

Mr. Fazal Ibrahim Rahimtulla: And thus save the industry from ruin.

Diwan Chaman Lall: I will come to that. You would ruin human beings in order to save the industry. (Hear, hear.) That is what it amounts to. I want my Honourable friend to concentrate upon this for a minute. He will realise that he himself has given the whole show away and his plan is to compel the workers to give notice, so that the employers may be in a position to secure the services of black legs and thus break up the strike. I ask the Honourable Member whether that is his intention. Is it or is it not his intention? What is the basis of this particular clause? The basis of this particular clause is to provide a weapon in the hands of the employers, and the Government is one of the biggest employers in this country.

Now, the Honourable Member was talking yesterday in regard to the conditions prevailing in other countries in connection with legislation on this subject and he compared the conditions that prevail in Great Britain. May I ask, in all seriousness, if he is providing now against the right to strike? There are other things also provided for in the legislation of Great Britain. Why does he refer, time and again, to those things and why does he refer merely to those things which are useful to him for the moment? For instance, has he ever done anything to cast his glance, to cast his eye, upon legislation which brings great relief to the working classes of Great Britain of the type of maternity benefits or of old-age pension and of unemployment schemes? These things, which are going to help the working classes in this country, my friend will not copy, but what he will copy is the penal clauses which prevent a worker from declaring a strike, although he has every right to declare a strike and take the consequences in a civil court. Why should he cite the example only in regard to penal measures employed in other countries against the workers, and why should he concentrate the attention of the Government upon such measures only? Why not concentrate their attention upon measures of relief, such as those that I have cited, which obtain in other countries and which do not obtain in this country? It would be much better, both for the Honourable Member and for the Government, if that were done.

I submit, Sir, that the right to strike is an inherent right amongst the working classes. It is the right which is applicable to the Honourable Member over there as much as it is to me. Suppose the Honourable Member over there takes it into his head to turn himself into a Swarajist and says: "I will not look at these files in my office any more and I will have nothing to do with my Honourable friend Mr. Crerar and my other colleagues, and I refuse to attend my office because I have taken into my head to become a Swarajist", does he mean to make out that, if he did that without giving notice to the Governor General in Council of one month, he would be called upon to serve one month's imprisonment in His Majesty's jail for having suddenly struck work?

Colonel J. D. Crawford (Bengal: European): He should.

Diwan Chaman Lall: Let me take another example to show whether this system prevails in any Government office today where the workers have the right to cease work and take the consequence in a Civil Court. It is essentially a civil liability; why import criminal liability into this matter? The only ostensible reason is merely to break the back of the labour movement in this country and to compel the employers and the Government to utilise a weapon in order to break the back, not only of the working class movement, but to break the back of every strike in the public utility services.

Let me take another example. My friend knows it perfectly well, that when a strike takes place in a public utility service without notice the workers have some justification. But if they have to give notice, then they will be victimised by the employers and by the Government, acting as employers during the period of notice. Is the House going to empower the Honourable Member with this power, which would result in the victimization, during the notice period, of the employees, which will also entail enormous hardship upon them? Every man who is involved in the giving of a notice of this nature will be a marked man, not only for the time being, but for all time to come. On the other hand, if a sudden decision is taken, and they have a right to take a sudden decision if they so choose, to cease work and take the consequences, then, in that case, the entire movement is involved, and if there is any victimization it is against the entire movement and not only against the prominent men who are involved in the strike. Now, I submit that it is an unfair weapon to hand over to the employers and to the Government which is going to be utilised against the workers whenever there is a sudden strike.

There is one more argument that my Honourable friend advanced, and that was the question of the inconvenience caused to the public in a public utility service by the workers going out on a strike suddenly without notice. Does the Honourable Member know of any strike that has taken place so far in which inconvenience has not been caused to the public? Let me take the case of the vegetable sellers or the ghee sellers or the meat sellers in the City of Bombay. Suppose my friend Colonel Crawford suddenly takes it into his head to become a labour leader and says: "I do not want you to work any more and I want you to go on strike", and suppose the workers follow his advice, will not that cause a hardship to the public? Is there a single strike that my friend can contemplate which is not likely to cause a great deal of hardship, if not to the entire community, at least to certain portions of the community? There is no strike which does not cause first and foremost enormous hardship to the workers themselves. My Honourable friend knows this perfectly well,—and I will yield this much to him that he has got a generous heart as far as his own department is concerned with regard to his own employees,—what the hardship of the employees is whenever a strike does take place. It causes enormous suffering to the working classes, and who are the working classes? My friend Mr. Fazal Ibrahim Rahimtulla might draw a very subtle distinction between the public and the working classes, but he has always been, in my opinion, rather shaky about his arguments and statistics. The public means 98 per cent. of the population, namely, the working classes. There is no distinction between what is known as the public and the working classes

in this country. The working classes are the public. The public does not mean my friend Colonel Crawford, or Mr. Fazal Ibrahim Rahimtulla, or a few chosen intellectuals of this country.

Mr. Fazal Ibrahim Rahimtulla: It means Diwan Chaman Lall.

Diwan Chaman Lall: It means the 98 per cent. of the people of this country who are the working classes.

Mr. Fazal Ibrahim Rahimtulla: And who are responsible for the strikes and causing hardships to themselves.

Diwan Chaman Lall: My friend seems to be suffering from a touch of irrelevancy, and I do not know what he is talking about. If he will only concentrate his mind upon what I am saying, then he will find that I am correct when I say that the public means 98 per cent. of the country, namely, the working classes. If any hardship is caused, it is caused to them. I submit there is no justification for giving this power to the Honourable Member to make strikes in public utility services illegal. And why do I say that? I say that because, so far as my Honourable friend said the other day, there have been cases in municipal areas where certain classes of workers have been prevented from strikes.

The Honourable Sir Bhupendra Nath Mitra: If that statement is ascribed to me, then I do not remember having made any such statement yesterday.

Diwan Chaman Lall: I think the Honourable Member said yesterday that there are laws already existing in this country which made penal certain classes of strikes among the public utility services. If the Honourable Member will refresh his memory and look up his notes of his speech he will find that he did make a reference to them, and it is to that that I am making a reference now.

Take the case of the scavengers in Bombay. I want my friend Mr. Fazal Ibrahim Rahimtulla to refer to that. The scavengers in Bombay are prevented, according to the local legislation, from going out on a strike without giving notice. But has that ever prevented them from going on strike? How many times have these scavengers gone on strike during the last few years? I remember to have dealt with these strikes myself and I also remember that the motor cars of my friend, Mr. Fazal Ibrahim Rahimtulla, the Rolls Royces, Wolsleys and magnificent saloon cars, waited outside my door when he found that the conditions in Bombay City were getting so abominable, and I tried my level best to bring those strikes to an end. But may I know what sort of penal action was taken against them? Against how many people is the Government going to take penal action? There are roughly 100,000 workers in the North Western Railway. Supposing they took into their head to go on strike, am I to take it that the Government is going to set up a new prison for them or convert the Viceregal Lodge into a prison? If you pass a law which you know you cannot put into force effectively, then there is no use in passing it. (Hear. hear.) What is the good of making your own Statute-book the laughing-stock of the world? The Honourable Member knows it perfectly well that it is not possible to proceed against hundreds and thousands of workers who may be involved in strikes in public utility services and take action against them. What will happen will be this. A few men who happen to be the leaders of these strikers, who happen to be the brains of the strike, or who happen to be the well-wishers,

[Diwan Chaman Lall.]

they will be got hold of by the Government, but the men who did go out on strike and actually did commit an offence against this Bill, they will not be arrested, because it is not feasible, it is not practical politics to put them all into prison.

I was referring to the Bombay scavengers. I remember the last but one strike that took place in Bombay. In connection with that strike, notices were issued against the scavengers, but no action was taken. Proceedings were started and withdrawn. They were evicted from the quarters they were occupying, in order to put pressure upon them to get back to work, but it was discovered that it was not practical politics to get hold of every scavenger in Bombay and put him in prison.

I ask the Honourable Member, if that is the position, why is the Honourable Member insisting upon passing legislation of this nature, knowing perfectly well that legislation of this nature cannot be effectively employed against every offender who has been proved to be an offender? If the North-Western Railway Union declares a strike without notice, every member in that Union is a party to that strike and does actually go out on strike and commits an offence, knowing perfectly well that an offence is committed by a striker going out on strike. If that is so, and the offence is proved, does my Honourable friend say he is prepared to put every man jack of them into prison, because they have gone out on strike? I ask, has it ever been done in any country where such legislation exists? Has action ever been taken *en masse* against the offenders?

Now, Sir, we have got another example of legislation of this nature, namely, the Post Office Act. That is the Honourable Member's Department and he knows perfectly well the facts of the case. I think it was in the year 1922, when the postmen in the Punjab went out on strike. No notice was given. How many people were proceeded against, whether the entire body of postmen was put into prison, or how many were taken action against is well known to the Honourable Member. I submit, therefore, that it is not feasible, it is not practical politics to imagine that Government are going to take action against the entire body of men who have openly and obviously declared that they are going to break the law, because the proposition is too enormous to be tackled by any Government. If that is so, what is the necessity for it? What do you gain by it? You gain one month's time. For what? Preparing what? How does that help to prevent the workers from going out on strike? The Honourable Member knows perfectly well that he cannot prevent the workers from going out on strike. It is not possible to devise any method of legislation which can prevent the working classes from going out on strike when they find the conditions of their employment onerous. All you achieve is the postponing of the strike by one month. And what after one month? You have the same hardship which will be caused in the end. It is not possible to create and manufacture, as my Honourable friend, Mr. Fazal Ibrahim Rahimtulla put it, it is not possible to manufacture engine drivers and other technical men employed on your railways.

Colonel J. D. Crawford: What about the general strike at home?

Diwan Chaman Lall: What about it?

Colonel J. D. Crawford: Did not the public carry on their duties?

Diwan Chaman Lall: Was the Honourable Member in England at that time? Does he know anything about the general strike? He knows that it was by permission of the Trade Unions that the necessary services were carried on, that the milk supply was carried on, that light was allowed in London. It was with the permission of the trade unions and it was with their assistance that the services were carried on. He knows perfectly well that the strikers themselves helped to carry on the services.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Thirty days' time will serve the purpose for settlement of a strike.

Mr. J. O. French (Bengal: Nominated Official): I was in England, Sir, at the time, and I say that the Honourable Member's statement is quite wrong.

Diwan Chaman Lall: What is wrong?

Mr. J. O. French: The services were not carried on with the permission of the Trade Unions, but by completely outside agents.

Diwan Chaman Lall: I said, if the Honourable Member had only listened to me, I said, that the necessary services were carried on, such as the milk supply, by the Trade Unions themselves and with their permission.

Mr. J. O. French: I have to contradict my Honourable friend. I was in England at the time, and regret to say that I found things otherwise than as stated by the Honourable Member.

Diwan Chaman Lall: Where was the Honourable Member? Was he in the Orkney Islands or in Belfast at the time?

Mr. J. O. French: I was in Dover and London.

Diwan Chaman Lall: If the Honourable Member will refer to the documents, he will find that what I am saying is perfectly correct.

Mr. J. O. French: This is from my own observations.

Diwan Chaman Lall: The Honourable Member's observations in a city with 7 millions of population cannot be trusted. If he refers to documents, and to the actual facts as they have been published, and as stated on the floor of the House of Commons, he will find that what I am stating is correct. I know that it was an inadequate service, but the question is not relevant to the matter I am discussing. I am discussing the fact that the Honourable Member, by passing this legislation, will be defeating his own purpose. First of all he cannot stave off strikes. It is not possible to manufacture technical men to deal with these services in the course of a month. It is not possible to get hold of engine drivers to run railways in the course of a month, or to obtain men for any of the essential services. That is the second point. The third point is that it is not practical politics to be armed with legislation of this special nature and find that it cannot be put into force against a large body of men, that it is impossible for the Honourable Member to make use of this legislation.

I have given an example of what happened in Bombay, where legislation of this kind has proved hopeless in regard to the penalty clauses, because it was not possible to proceed against large bodies of men who had gone on strike. I submit that no case has been made out for it,

[Lt.-Col. H. A. J. Gidney.]

terms against clauses 15 and 16, for I considered them as seriously infringing or interfering with the civic rights and liberty of employees in the various utility services. I submitted then, and I submit with equal emphasis today, that the employees are just as much deserving of the consideration which Government desire to give to the employer, *i.e.*, themselves, in this Bill. Sir, when I look into the problems of Indian labour, along with clauses 15, 16 and 17 of the present Bill before the House, I am driven to ask myself the question, why has clause 15 been included in this Bill, and why is clause 15 confined almost entirely to utility services. Is the employee or Government to blame? For years this House has been pressing upon Government, especially the Railway Member, the necessity of forming complaints departments, so that employees will be afforded opportunities for presenting their grievances. I have demanded this for the railways for the past 4 years. But a deaf ear has been turned to our requests. If the Government had shown more sympathy and granted those demands I believe that clause 15 would not have found a place in the Bill; indeed there would have been no need for this Bill. We have many instances, Sir, in which the grievances of the employees have not received adequate attention or sympathy. Had clause 15 referred only to employees connected with mills and other such industrial establishments, I should not have had much objection against it.

An Honourable Member: Why?

Lieut.-Colonel H. A. J. Gidney: Well, I will let you know in a moment, if you have a little patience. The inclusion of utility services shows that Government must have some reason for doing so. Now, Sir, are there any terms of employment in existence between employers and employees to-day? There is a service bond, or agreement, between the railways and their employees of one month's notice on either side, or pay in lieu of notice. This bond, I consider, gives the railway authorities ample protection and safety and if the men transgressed that term or agreement the Civil Courts of Law are open to the authorities for redress. Mr. Chaman Lall, in the course of his speech, placed a very important point before us. He said this Bill replaces this civil legislation by criminal legislation, and an offender is liable to jail for violating clause 15, and that Indian labour unions protest against its passage. Government, however, consider it necessary, because they look upon railways as industrial concerns which cannot be used as political weapons by politicians. Other terms of agreement are in force on railways; for instance, the term of agreement between certain classes of engineers and the Secretary of State, according to which the services of these employees can be dispensed with without previous notice. I have the terms of agreement with me, according to which the services of an officer can be dispensed with, without previous notice, "dismissed or discharged from the service, and upon such dismissal or discharge we will peacefully leave the service". Now, Sir, what is the reason for Government introducing clause 15 into this Bill? There is no doubt that Government, very rightly no doubt, wish to prevent lightning strikes in utility services. I am against all forms of strikes for, in my opinion, strikes strike the strikers, the hardest. The Government, in demanding fourteen days' notice, certainly have two objects in view:—(1) during this period to induce the men to resume work, and (2) to enable themselves to make other arrangements to meet the situation. Now, Sir, I am against—

and the community that I represent is against—strikes, except as a *dernier ressort*. But you cannot get away from the fact that a strike is not an illegal measure; it is a legitimate weapon of defence all the world over; and to deprive a body of workmen of the right to defend themselves when they are driven to it as a last resource, is I consider, an utterly unjust thing to do. Let me give an instance in which an employee is driven to violate this clause. The case of a man employed in the railway; he is punished for some fault; he objects to the punishment and resigns without notice, because he feels sure that if he gives his 14 days' notice his officer or overman will have his knife into him and not wait for the 14 days' notice to expire but will dismiss him from the service, the result of which is to him more serious than even jail, for the House knows that to a railway man, once he is dismissed from a railway, the doors of all railways are closed for ever. This, I submit, is a case where the giving of fourteen days' notice will expose an employee to graver dangers than the violation of clause 15, and I would not blame a man if he declined to give notice.

The Honourable Sir Bhupendra Nath Mitra: But that is not a strike. It is an individual case.

Lieut.-Colonel H. A. J. Gidney: But supposing 20 or 30 employees in a particular section of a railway workshop or crew system do that, or supposing this happened in any other section, will it constitute a strike?

The Honourable Sir Bhupendra Nath Mitra: It depends on the circumstances.

Lieut.-Colonel H. A. J. Gidney: Thank you, but what do you mean by circumstances? The employer and employee may not think alike on this. These are the reasons, Sir, that make one hesitate before supporting clause 15. Now, Sir, I said in my speech in September, 1928 that I was in a measure, opposed to clauses 15 and 16. I have, however, reconsidered the matter in the light of present day circumstances. I refer to the Labour Unions in India today and their activities and there is one point which has made me alter my opinion almost completely, and that is the recent meeting at Jherria of the Amalgamated Railway Unions. I see my Honourable friend, Diwan Chaman Lall, is getting up already . . .

Diwan Chaman Lall: May I ask the Honourable Member which particular meeting of which particular body he is referring to?

Lieut.-Colonel H. A. J. Gidney: It took place, if my memory serves me right, in December or January last.

Diwan Chaman Lall: Which body, which organisation?

Lieut.-Colonel H. A. J. Gidney: It was the Amalgamated Railway Union.

Diwan Chaman Lall: The All-India Railwaymen's Federation?

Lieut.-Colonel H. A. J. Gidney: Yes; I think it was that body but I am not quite sure of the name. Anyhow, the report of that meeting appeared in the *Englishman* in which it stated that they had elected two

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of the leading communists in India, Messrs. Bradley and Spratt, as life-Presidents of that Union and that, they had affiliated their society with the Third International in Moscow. When I found that . . .

Diwan Chaman Lall: May I interrupt the Honourable Member? I may correct his information as far as I am aware. The All-India Railwaymen's Union has not elected any life-Presidents. That is No. 1. No. 2 is that it is absolutely incorrect to say that the All-India Railwaymen's Federation is affiliated to the Third International.

Lieut.-Colonel H. A. J. Gidney: Sir, I read this account in a very trustworthy paper—the *Englishman*.

Diwan Chaman Lall: I am sorry to say that that paper is very unworthy. I am giving the Honourable Member correct information.

Lieut.-Colonel H. A. J. Gidney: The Honourable Member has corrected me, but I should like to have documentary evidence. When I read that decision, I at once decided to support clauses 15 and 16 as I felt it would be better for a few to suffer at the hands of official repression than our utility services become hot beds of communism, and Sir, it is for this reason, one which I believe the Government had in view when it introduced this Bill, i.e., to antidote the introduction of communism into the railway labour movement, and on this ground, and on this ground alone, do I support this clause 15, and am I prepared to be a party to sacrifice the rights of an employee in the interests and safety of India and its Labour Departments, which I opine must be purged of all communistic tendencies if we are to attain Dominion Self Status.

Mr. S. Srinivasa Iyengar: Mr. President, I support the deletion of the clause now under discussion, and I have very little to add to Diwan Chaman Lall's able and exhaustive speech. I would only point out that, in my unregenerate days, when I was studying law, I heard from a great authority, the founder of the historical method in jurisprudence, and the history of legal institutions, that the movement in law and society has been from status to contract. The movement today, which I see in this Bill is back from contract to status. It is no doubt a mischievous attempt to make contractual relations come into the ambit of criminal law and procedure. We have been trying to get out of difficulties in criminal law and procedure in respect of workmen's breach of contract and so forth. Now it is a rather curious phenomenon, may I say a sinister phenomenon, that we should be asked to sanction, in these days, that workmen should be penalised under the criminal jurisprudence for breaking a contract, or for not giving sufficient notice to the employer of his desire to cease work. That is the main ground of course upon which all Members who oppose this clause oppose it. But in considering the detailed provision in this Bill, there is a great deal of force, I submit, in Diwan Chaman Lall's plea that it will be a futile piece of legislation. For the classes, to whom this clause 15 is to apply, are not likely to be deterred by one month's imprisonment or by any imprisonment which they may have to suffer by default of payment of any fine imposed. And even this imprisonment and fine will be imposed upon them only after trial before a Presidency Magistrate or a Magistrate of the First Class, after the sanction of the Local Government or of the

Government of India has been obtained. It is perfectly obvious, therefore, that if, without giving any notice, they go on strike, there is nothing really to prevent that strike from being effective. It is a futile provision, this provision for prosecution of these workmen long after the supposed mischief of the strike in the case of any public utility service has been done.

That is one objection even from the point of view of the administrator. Another objection is that this is really an unnecessary measure, for, as I pointed out yesterday, having regard to the class of people we are dealing with, it is impossible for them to resort to a strike on starving stomachs, and they are not likely to resort to strikes, whatever the instigation and whatever the inducement, unless the grievances are such, and unless their feelings are roused to such a pitch, that they think they must go on strike and face starvation and hunger and all the consequences of a strike. As I said, that is the necessary limitation of this right to strike and we might, as political philosophers and legislators, very well leave to the operation of that natural limitation the strike movement. I say it is unnecessary to impose upon this right to strike any artificial limitations which will frustrate their own object. I do not see how this giving of a notice will be of any use either to the employer or to the employee. Except possibly as regards public conservancy and sanitation, it is impossible to see how, within fourteen days from the time allowed, employers are going to get a sufficient number of skilled men or trained men or other men to take the place of those who have given notice to strike. Therefore, Sir, it is really as a deterrent that it is proposed by this Government, for as I pointed out, they will have gone on strike and they will have done all the supposed mischief for which they are held to be responsible long before the prosecution and conviction take place, and I have pointed out that the notice will, in the majority of cases, be of no use. Therefore, it is merely by way of preventing these people by the imposition of pains and penalties that this is supposed to operate. I do not think the class of men whom we are dealing with will ever be moved in the exercise of their right to strike by this one month's simple imprisonment or the fine which is imposed. I consider therefore, Sir, that this is a wholly misconceived piece of legislation—first, from the jurist's point of view because it is ineffective and uncalled for, and secondly, from the point of view of those who have got to bear the rights of workmen in their minds when dealing with proposals of this description. I submit also that there is a great deal of force in what my Honourable friend, Mr. Chalmers said, that the Government should have provided guarantees for proper wages and for improved conditions of labour before they undertook legislation of this description. The only difference between Mr. Chalmers and myself is this: he wants the Assembly to pass this legislation and afterwards that the Government should provide adequate improvements in the services. But what I ask is this. Is there any guarantee, is there any legislation by the Government, entitling the workmen in these services to get a fair level of wages and satisfactory conditions of employment? There is no such legislation imposing obligations on Government. Therefore, Sir, when you have not proceeded to ensure that the conditions of labour are thoroughly satisfactory, it is idle to ask Members on this side of the House to vote for a piece of legislation which, on the face of it, is so wholly one-sided.

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Again, Sir, I think that the efficacy of the right to strike will be taken away altogether by requiring the workmen to give 14 days' notice in this prescribed fashion. It is really, as I began, a form of statutory serfdom that is sought to be imposed upon the classes of people, to which no doubt we can point parallels in early times, in mediæval times in all countries—in India as well as other countries—as for instance *kudi mara-math* and *begar* in India—and various kinds of forced labour were made available in the exigencies of social conditions from time to time. Are we to have in these days, having regard to the international status of labour problems, are we to have forced labour? That is what it comes to, if it is to be operative. As I pointed out, it is not going to be operative. There is no use my Honourable friend on the other side saying, "If it is not going to be operative, why not pass a Bill of this description?" I am sure he will not resort to an argument of that kind, and therefore it is hardly necessary for me to reply to that. But I really am unable to understand what are the reasons for trying to make forced labour available to the Government or to public bodies or to other employers who may have to deal with these so-called public utility services.

Sir, I have very little to say by way of strengthening the arguments of my Honourable friend, Diwan Chaman Lall, as to the public utility services. This is one of those formulæ which are frequently employed for the purpose of paralysing our imagination and our reasoning faculties. If we were to examine it closely we would find that public utility services mean nothing but those services in which a greater amount of inconvenience is caused to a larger proportion of the public, than other services; that the inconvenience which is caused in other services is not so great. Beyond that I am really unable to see how you can say that any kind of service is not of public utility. I presume trade and commerce are equally of public utility. It is only a question of degree, and when Honourable Members descend upon these public utility services, I am sure they only refer to the degree of utility and not to any absolute standard of public utility, or private utility, or any other kind of utility. We are now concerned more with the right of the workman rather than with the right of the employer; and it is idle to assume that the public is composed, not of the workmen, but of the employers. Take these very cases. Supposing the working class people as well as their families want to travel by railway. If there is a strike, they are put to as much inconvenience as the others, indeed to more; the third class passengers are put to greater inconvenience than the first class passengers who may possibly go by aeroplane or motor car or by other kinds of conveyance. I really do not know that the working classes, who form the majority of the people, are not put to as great inconvenience as the others. Then again, Sir, with regard to posts and telegraphs and telephones, it is quite obvious that the working classes will certainly be hit as much as others; certainly in the postal service; and perhaps to a lesser extent in the telegraph services; and if in any industry, or business or undertaking which supplies light and water to the public, work is stopped for some time, it must seriously affect the workmen themselves. I suppose they have to get water and light as much as others, and I cannot understand why it should be assumed that the workmen, who form the majority of people in every country, and particularly in this country, will not be affected.

Therefore, Sir, I say, the sanctions are already there. The fact that they will be starving if they go on strike precipitately and without due and adequate reason, the fact that the cessation of work in these public utility services will affect them much more severely than the richer people who could provide themselves in other ways with these facilities—these sanctions are already there; and therefore I submit that the right to strike must be left to these natural safeguards, which as I pointed out yesterday, make the right to strike a double-edged sword, with the edge naturally keener and sharper against the starving millions of the country rather than the edge which is turned towards the employer. The edge which is turned towards the employer is certainly blunter than the edge which is turned towards the striker, and therefore I will leave it as it is. It is wisdom and right politics, and the proposal which is made by my Honourable friends on the other side is, I submit, a wholly unnecessary, unjustifiable and futile proposal, which is going to benefit neither the employer nor the workman. It will exasperate feelings; it will create greater insecurity in the country, and if the workmen are deprived of what has till now been regarded by them as a valued right, it will act as a lever with which to start fresh movements. I do not know how far my Honourable friends on the other side really feel about the communist movement in this country, and I am not certain that they will not add to the spread of that movement rather than curtail it by this legislation. However, Sir, those are questions which concern the Government, and I am not in a position to advise them as to what their duties should be. I am more concerned with appealing to such of my friends as have their hearts still open, as have their intelligence and reasoning faculties still unconverted to this very callous and injudicious piece of legislation which has been proposed by the other side, and I must therefore address myself only to those Honourable Members. I submit, Sir, the proper way in which employers can protect themselves is by organising themselves. They can have counter organisations, as they have in Western countries, and Conciliation Boards and Courts of Inquiry will certainly enable them to come to terms with these workmen. I suppose that if these things are properly worked in the spirit in which such things should be worked, there will not be any necessity for strikes. Therefore, Sir, I would say that this clause 15 must be held over till the rest of this Bill has been put on the Statute-book and it has had full operation for a period of time. I am not one of those, who will be against any due safeguards to well-ordered but wholly democratic society, but I do not believe that a well-ordered society can exist without due safeguards to the working classes, and their prosperity and their welfare must be the first concern, even more than the welfare and prosperity of the employers or of a Government. No Government can be stable, and no Government can exist with the suffrages of the people unless it makes its primary duty the safety and welfare of the working classes. And to tell me in these days of labour organisation, when the average workman is as intelligent as anybody else on the other side or on this side, that the workman is not able to judge for himself as to what is good and what is not good for him and that it requires various kinds of degrees and high Government offices and seats in the Assembly and Councils before we can judge of what is right and proper for him, is to me a preposterous thing. I have moved among the representative men of the working

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classes of this country, and I can say, without any fear of contradiction, that the average working man of this country is quite as intelligent as any one else. His natural intelligence is really high. These working men follow movements; they can follow even the debates in this House, and they are able to judge what is good and what is not good for them. In these circumstances, Sir, it is not necessary for the Government to bring forward a provision of this character, by which they say that, even the working classes have to be saved from their so-called leaders and others who, for the sake of some profit, or for the sake of vanity, want to exploit the poor, helpless working classes for their own aggrandisement. That is not so. It is an insincere attempt on the part of any Government to tell us that they have got at heart the welfare of the working classes more than the Members on this side of the House and more than the working classes themselves. That is a proposition to which no sensible man in these days can at all agree. Therefore, Sir, I have not the least hesitation in supporting my friend Diwan Chaman Lall's opposition to this clause and his proposal to delete this clause. Here I would earnestly ask all my friends to look at this question with unprejudiced eyes, and not with minds already made up. This is not a party question; this ought not to be a political question. This is a purely economic and social question, and we are concerned with the amelioration of the economic and social conditions of the working classes. We know that they are not yet a political power in this land. When they become a political power, when they become a big political party, when they form a Government as they should, there will be time enough for us to take other steps and protect the capitalists and Government, but to do so now, in their present condition, would be inflicting a great hardship on them, because, if you seek to deprive, either absolutely or even with substantial modifications, the workmen of their right to strike, which is a political right, which is a legal right, subject to the liability in damages, it would mean a grave hardship to them. For these reasons, Sir, I support the omission of clause 15.

An Honourable Member: Sir, I move that the question be now put.

Mr. Jehangir K. Munshi (Burma: Non-European): Sir, there is one important point which the Honourable Member in charge of the Bill has not made quite clear. I do not know, Sir, whether it is the object of the Government of India to make only a lightning strike in the public utility services illegal or whether it is their intention entirely to deprive the workmen in a public utility service of their right to strike in any form or manner whether "lightning" or otherwise?

The Honourable Sir Bhupendra Nath Mitra: May I reply to the Honourable Member's question, Sir? As the section stands, it deals only with lightning strikes, and that has been admitted by speakers on the other side.

Mr. Jehangir K. Munshi: I am really concerned with the intention of the Government of India and not with the alleged statements made by speakers on the other side. I am glad now to find, Sir, that the intention of the Government of India is to confine the operation of section 15 to lightning strikes only. Am I right there?

(The Honourable Sir Bhupendra Nath Mitra nodded his head in assent.)

I am also glad to find that the intention of the Government of India is not to take away altogether from workmen in a public utility service the weapon of a strike. Now, Sir, if we pursue our examination and analyse clause 15 of this Bill, we find that a group of workmen who want to strike in a public utility service, have to give at least 14 days' notice of such strike. Now, what would happen? A group of workmen in a public utility service give 14 days' notice of strike to their employer. Their employer, on the same day within a few hours of the receipt of such notice, retaliates by serving on this group of workmen 14 days' notice of lock-out; and he immediately proceeds to make use of these intervening 14 days to obtain the necessary amount of skilled and qualified labour to replace the whole lot of strikers, or rather the whole lot of these workmen who have given 14 days' notice to strike. That, Sir, is perfectly legitimate as the section stands at present. The employer can, within a few hours of his receiving notice of a strike from the workmen, retaliate by serving on them 14 days' notice of a lock-out; in other words, on the expiry of 14 days, even if those workmen change their minds and do not want to put into operation their threat to strike, they will be turned out on the expiry of 14 days, as the employer is allowed to make full use of the 14 intervening days to replace that group of workmen. That being the position, it is no use the Government of India telling us that the only object of clause 15 of this Bill is to prevent lightning strikes. It is not so. Clause 15 goes very much further; it threatens workmen in public utility services with complete loss of employment. If the object of the Government of India is not to snatch away completely from workmen or labourers in public utility services the weapon of a strike in any shape or form, but to confine the operation of this Bill to lightning strikes only, it is essential that there should be a further amendment to section 15 of the Bill so as not to make it permissible to an employer to give notice of a lock-out to his workmen till after the expiry of the 14 days' notice to strike given by the workmen themselves. (Hear, hear.)

I think, Sir, I have made my point clear to the Government of India, and I would like to have a definite indication from my Honourable friend, Sir Bhupendra Nath Mitra, as to how the Government of India propose to meet this objection. I have made it clear that the operation of the Bill is not confined to lightning strikes. As clause 15 of the Bill stands at present, in view of the rights conferred by this clause on the employer, rights which can, and most probably will be, used by way of retaliation, the real result will be that workmen and labourers in public utility services will be entirely and completely deprived of their inherent right and their elementary weapon of a strike at any time in any shape or form. This, Sir, is a very serious inroad on the rights of a particular class of society, to which we cannot lightly give our support. (Applause.)

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): I rise to oppose the motion of my Honourable friend Diwan Chaman Lall. I venture to submit that there are some Members in this House who are under the belief that a strike in the postal, or telegraph or telephone service or on the railway services is made a crime, under the provision of clause 15 of the Bill. But it is not the case if we were to read clause 15 very carefully. All it does is to insist that adequate notice

[Mian Mohammad Shah Nawaz.]

must be given and that the public utility services so essential for the well-being of the community should not be suddenly closed down as the result of a lightning strike. The principle underlying this clause has been accepted by almost all the countries of the world, the reason being that a private right must not be used to create a public wrong. We all know that the public utility services are the sheltered industries of the country; that is to say, they do not enter into foreign competition, and the wages and conditions of service are much higher and better than in other services. Therefore, the Government have the right to see that the public utility services are not suddenly discontinued.

I have listened to the arguments of those Honourable Members who are opposed to the passage of this clause, but I am not at all convinced that their arguments are sound. This clause applies only to those employees who get monthly wages; it does not apply to daily wage earners. It does not apply to employees of millowners, to employees of private contractors, and my Honourable friend Diwan Chaman Lall is entirely wrong, when he says that 98 per cent. of the workmen are affected by this clause. It affects a very small portion of the workers. The clause is hedged with many limitations. Further it also punishes the employer who locks out his employee without fourteen days' notice.

Then, Sir, my learned friend, Diwan Sahib, said that the clause is meant to disorganise the trade union movement. Nothing of the kind. Honourable Members are aware that the British trade union movement is one of the greatest forces in the world for the economic uplift of the working classes, and yet we know that the labourites have submitted to a similar legislation in England. This provision is really on the lines of the English legislation of 1927. As a matter of fact, we have made the present legislation as mild as we could. The Australian legislation and the English legislation go much further, whereas this clause simply says that anybody who, in breach of contract, does not give notice and suddenly withdraws from the service and strikes is liable to be punished. If a man who is bound to give notice, does not give notice, and if the strike turns out to be a general strike, it will inflict harm on the community, and I submit it is the right of the Government to see that the public utility service is not suddenly closed down . . .

Diwan Chaman Lall: Did I understand the Honourable Member to say that this was in consonance with the provisions of the Act of 1927 of Great Britain?

Mian Mohammad Shah Nawaz: An analogous section you will find in the English Act.

Diwan Chaman Lall: Where?

Mian Mohammad Shah Nawaz: In the 1927 Act, called the Trade Disputes and Trade Unions Act.

Diwan Chaman Lall: Will the Honourable Member point out the section to me?

Mian Mohammad Shah Nawaz: I think it is probably section 2.

Diwan Chaman Lall: May I, with your permission and the Honourable Member's permission, read out section 2? It has nothing to do with that. There is no provision in the 1927 Act.

Mian Mohammad Shah Nawaz: There is a provision in the Trade Disputes and Trade Unions Act of 1927.

Diwan Chaman Lall: The Honourable Member is referring to the 1927 Act known as the Trade Disputes Act, 1927, of Great Britain. There is no such provision in that particular Act.

Mian Mohammad Shah Nawaz: As far as I know, there is. My Honourable friend contradicts me. I have not got the Act with me, but I know there is in substance a provision like this, that any person employed by a local or public authority cannot break his contract with that authority so as to cause injury to the public and if he does so, he is liable to pay a fine of ten pounds or undergo imprisonment not exceeding three months. As far as I remember it is section 6 (4) of the Trade Disputes and Trade Unions Act of 1927.

Diwan Chaman Lall: Section 6 of the 1927 Act merely refers to funds and has nothing to do with these strikes.

Mian Mohammad Shah Nawaz: It is terrible when ignorance spurs on. Read section 6 (4). I have not got the Act otherwise I would have shown you the section 6 (4), which does not deal with funds, as you imagine. Well, Sir, my point is that clause 15 comes into operation only if due notice of fourteen days is not given. But if due notice is given, it does not prevent the workman from striking after the expiry of the notice. All that the present clause says is this, that you must give notice, otherwise you cannot go on strike, and if you do so you are liable to be punished . . .

Diwan Chaman Lall: Is it under the 1927 Act?

Mian Mohammad Shah Nawaz: Yes, under section 6 (4) if an employee breaks his contract knowing that it will cause injury to the community, he is to be convicted.

Diwan Chaman Lall: No, it is not.

Mian Mohammad Shah Nawaz: It is so and my Honourable friend is obstinate not to admit his mistake. It is very difficult to convince him.

Sir, I strongly oppose the motion of my Honourable friend, Diwan Chaman Lall.

Mr. M. S. Aney (Berar Representative): Sir, I rise to support the motion of my Honourable friend, Diwan Chaman Lall. Clause 15 to my mind virtually takes away from those who are employed in the so-called public utility services the right to strike. Mr. Shah Nawaz and others have endeavoured to prove that the right to strike remains unaffected, provided certain conditions of notice mentioned in the clause are complied with; but the contention that we on this side urge is this, that the very condition which you want the labourers to comply with is one that virtually takes away all opportunity for them to make an effective strike. That is the position. Mr. Munshi has rightly pointed out that, under the same clause, a corresponding right of retaliation is given to the employer. As soon as this 14 days' notice is given by the labourer the corresponding right can be exercised by the employer. The position that is created is extremely injurious to the interests of labour. The employer gets the advantage of entirely replacing the labour that has gone on strike during

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this period if possible. That apprehension alone will effectually take away from the employees the willingness or even the inclination to strike at all in spite of their innumerable grievances. There is an inter-connection between the two things. When clause 15 and the natural effect it is likely to produce upon the mentality of the employer and employee is taken into consideration, the net result is that the right to strike, which my Honourable friend wants only to circumscribe in the case of public utility services is virtually abolished and abrogated. Any man with common sense can understand the meaning of this and envisage the consequence. It is because of this necessary implication that members on this side, who are as much interested in the maintenance of public utility services as the Honourable Members on the Treasury Benches, are unable to agree to the provision of such a drastic and diabolical nature as this. You promise to retain something in one breath, and at the same time you artificially arrange a device which virtually takes that away.

Secondly, much has been made by my friend, Mr. Fazal Ibrahim Rahimtulla, who is not in his seat at present, of the fact that a dispute in the case of a strike is a struggle between the employer and the employed, and the State which is the guardian of public interests and public welfare has got an inherent right to see that no strike shall be permitted which is likely to cause general inconvenience. The rationale of making a provision in clause 15 is alleged to be that strikes in the case of services of this nature cause general public inconvenience, which it is the duty of the State to prevent. Now, it was ably pointed out by my friend, Mr. Srinivasa Iyengar, as well as by my friend, Diwan Chaman Lal, that no strike is possible which is not likely to create some sort of inconvenience to the public. Strikes imply that. There is a body of people which ministers to the comfort of a large class of people, and when that body of people suddenly downs their tools and goes out on strike, there is bound to be inconvenience to a large section of the people. You cannot conceive of a strike without that. My contention, however, is this—that it is because of the general inconvenience which is caused to the public that the strikers have got the possibility of enlisting the sympathies of the general public on their side and persuading them to intervene on their behalf, as against the employer who is causing them the greatest possible wrong. It is the possibility of the intervention of the public that forms the very basis of the strike of the workers in order to obtain better terms from an employer who is really a heartless fellow, bent upon drawing the last drop of blood from the employee. Labour counts upon the intervention of the public, and in fact the whole theory and practice of strikes depends upon that calculation. If you take away that factor by saying that no strike should take place, or that it should take place only after a certain period of notice has lapsed and similar other impossible conditions are fulfilled, then virtually you are expressing yourself entirely against the idea of strikes in the case of certain utility services. Now, there is a body of people in a public utility service which has gone on strike. The inconvenience is there. I maintain that the greater the inconvenience to the general public, the greater the chance of the general public bringing speedy pressure to bear upon the employers to investigate the grievances of these people whose strike has caused them a good deal of inconvenience. Thus

there comes into existence a mass of public opinion which automatically is awakened to the necessities and requirements of labour that has gone on strike. That is the psychology underlying the whole theory and practice of strikes. General inconvenience to the public is not a matter that should, in my opinion, enure to the benefit of the employers, as the present provision in the Bill undoubtedly does, but to the benefit of the labourers.

Sir, the title of this Bill is to make provision for the investigation and settlement of trade disputes. I can understand that. Then it is said "and certain other reasons". I was trying to understand what these "certain other reasons" were. As I find that clauses 15, 16 and 17 of the Bill do not fit in with the previous provisions dealing with the questions of disputes, investigation and so on, I conclude that these "certain other reasons" are no other than those of a nature that are primarily in the interest of the employers and not of the employees. This is a Bill providing partly for the settlement of disputes between the employer and employed and partly for providing means which shall be exclusively for the benefit of the employer. This Bill is not intended to give any rights to the labourers save some makeshift machinery to provide for some petty disputes, but, at the same time, to create solid and serious obstacles in the further healthy development of the trade union movement in this country.

Sir, there is one more point. I think the Honourable Member knows the well known dictum which has the sanction of His Majesty the King himself—that is "the difficulties of England are the opportunities of India". That was a very remarkable pronouncement made by our Sovereign during the war days. I say, Sir, on the analogy of the Royal observation that the difficulties of the employers are the opportunities of the employed. After all the public also is interested in the proper working of the public utility services. They are the persons who ultimately pay for these workers. Now, the difficulties of the employers are the opportunities of the workers and I think, Sir, that no piece of legislation which virtually and in effect takes away the right of workers taking recourse to the only means at their disposal to assert their rights can be considered to be a legitimate or honest measure.

There is one more point to which I wish to make a reference. There are certain government departments also which are concerned in this. Now, we have heard references to contracts or rather violation of the contract to justify the clause. I do not know whether, in the case of Government servants, there is such a thing as a contract between the State and the employees at all. The Government has the absolute right of making rules to regulate the conditions of service. They have the supreme right of altering those conditions of service every day if they like, and the other party is absolutely helpless. In such a case it would be preposterous to say that there is any contract between the employers and the employed. In the case of railway servants also, inasmuch as they are public servants, governed by the departmental rules made by

1 P.M. the Railway Department for the time being, they are governed by these rules and there could not be any contract at all between those servants and their employers. If, however, it is seriously urged that the relation is one of contract, then, whenever the Government thinks of making any change and alterations in the conditions of service which are

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likely to affect the welfare and prosperity of the members of their service, it ought to take their opinion, and without their consent no change should be made. Is that the position in the case of the Government servants? They are not governed by any regular contract at all. If that is the position, what is the meaning of the words "breach of contract" in clause 15? It is obviously known to everybody that, in the case of Government servants, particularly those employed by the railways, one month's notice is sufficient to dispense with or dismiss any employee. After one month's notice, the service of any railway servant can be brought to an end and he can be asked to go home and finish his job there and in this way his fate can be sealed. That is the position. What is the period that you, in your capacity as employer, have guaranteed as service term in order to have the right to claim that the employee must give you 14 days' notice before he goes on strike. Although the Government are a party to the contract, yet they do not bind themselves by any condition whatsoever, but, on the other hand, claim to impose on the employees any conditions they like. A relationship of that nature cannot in law be termed a contract, and when there is no such thing as a contract, the words "breach of contract" appear to me to carry only a fictitious and no real sense. Therefore, a proper justification for the enforcement of the conditions laid down in clause 15 cannot exist, and the conditions ought not to apply in their case at any rate. This is another serious difficulty. In view of the fact that, as in a large number of public utility services, it is virtually the Government who are the employer, clause 15 appears to me to be arming the employer with an enormous authority under the sheer weight of which the employees will be crushed, and his so-called recognition of the right of strike will be nothing but shadowy. My friend, Mr. Fazal Ibrahim Rahimtulla, is a capitalist himself and he is interested in having more powers for the employers at the expense of labour and he therefore naturally jubilates over this. And that is one of the reasons why I say that the part of the Bill after first 14 clauses is conceived not in the interests of the employees, but in the exclusive interests of the employers. It is for this reason that we have been contending, from the very beginning, that clauses 15 to 18 do not fit in with the real spirit of the Bill, and in fairness to this side of the House my Honourable friend, Sir Bhupendra Nath Mitra, should have given the Members of this House another opportunity of considering these clauses altogether independently, and in a state of detachment from the other part of this Bill. Whatever little good there is, is also mixed up with this full dose of poison, which is bound to paralyse the spirit and inhibit the growth of trade unionism in this country. For these reasons, I feel that we have no option but to support the motion of my friend, Mr. Chaman Lall.

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam: Non-Muham-madan Rural): Sir, I am one of those who gave notice of a motion to delete clause 15. I believe that the right to strike is one of the inherent rights of every workman. If I remember aright, when an inquiry was asked for, on the floor of this House, into the grievances of the railway employees, in the year 1925, Sir Charles Innes, the then Member of the Railways, said that the conditions of labour did not call for any inquiry. His chief reason, for saying it, was that there were no strikes on the railways. This shows that the Honourable

Member recognised strikes as a legitimate weapon for workmen in cases where workmen are dissatisfied with their conditions of service. I say, Sir, that the strike is the only weapon, which a workman has, to bring to his employer's notice, his dissatisfaction and discontent with the service. It is only when workmen strike, and threaten loss to employers, that the employers realise the workmen's woes and not till then. A strike therefore is the only inalienable right which a workman possesses when his rights are interfered with. Yesterday, the Honourable Mover of the motion, in answer to claims made that a strike is the elementary right of a citizen, asked how this right was derived, and what was the sanction behind it. When he said this, he probably forgot that every subject has the right to do what he thinks right, in his own interests and the person, who alleges the contrary, has to prove that he has no such right. It may be said that this clause does not deny a workman his right to strike, but it only postpones the same by a fortnight. To postpone this right, in this case, means, I submit, the denial of the right itself. What is the object of a strike? A strike is undertaken, not for the mere pleasure of it, nor with a malicious intent, to tease the employer, but because the workman is driven to it, for want of sufficient means, to keep his body and soul together, or because he is rudely insulted, or badly and cruelly treated. He believes, Sir, that, by this means, he can make his employer feel the intensity of his suffering. To postpone the strike, by giving departmental notice, means that the employer is afforded means not to feel the effect of the strike. This is, practically, to nullify the very object of the strike, for, within a fortnight, the employer would get other men to do his work.

One chief argument advanced in favour of strikes is that, in most countries of the world, strikes are made punishable. Countries, chiefly instanced in this connection, are England and Canada. While introducing the Bill, the Honourable Mr. McWatters, in September last, stated that this Bill was based, chiefly, on the English Act. This is not wholly correct. It is true that most of the provisions, affecting labour adversely, were incorporated from the English Act, but the provisions which were beneficial to workmen were left out. For instance, the English Act did not give power to Government to declare any Railway service to be a public utility service by notification in the *Gazette*, as is done by means of this Bill. This shows there is nothing to prevent Government from penalising even clerks in Railway Accounts offices for declaring strikes without notice, because the Governor General may declare that their offices are public utility services. This shows that the provisions of the Bill are far wider, in the matter of strikes than those in the English Act.

Again, Sir, the English Act penalises workers, who cease to work, only if they do so with a malicious intent, and with a knowledge that it would work hardship on the community. In this Bill, Sir, neither the intent nor the knowledge on the part of the worker need be proved. No such provision is made in the Bill. In England, Canada, and in fact in most of the countries of the world where labour unions exist, responsibilities are imposed on the employer, before he can successfully ask the workmen to be penalised for cessation of work. For instance, if the employer does not provide, where he is bound to give, food and other necessities for the workers' health, section 6 of the Conspiracy and Protection of Property Act penalises the employer.

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The Honourable Sir Bhupendra Nath Mitra told us yesterday that this Bill is not copied merely from the English Act, but the provisions of the Canadian Act were also considered.

The Honourable Sir Bhupendra Nath Mitra: Did I say so yesterday?

Mr. V. V. Jogiah: That is what I remember, Sir, it was said that it was based on the English Act.

The Honourable Sir Bhupendra Nath Mitra: All I said was that the provisions were not blindly copied from the English legislation.

Mr. V. V. Jogiah: So that even on his own admission he said that these provisions were not copied merely from the English Act but the Canadian Act was also consulted in the matter (Laughter).

It is true that this was done, but even here the same mischievous procedure of omitting provisions beneficial to the workman are left out.

Let us take the Canadian Act of 1907. No doubt it makes strikes illegal, without notice, or until inquiry is made. Neither the English Act nor the Canadian Act nor the several Acts in which strikes are made illegal, are certainly one-sided as this is, but they are more fair. Many of the countries sought by legislation to postpone strikes. It must be remembered, Sir, in the case of every country, which postponed strikes, the Government bound itself to make an immediate inquiry when an application was made that a strike or dispute was threatened. This gave immense advantage to the workmen. In India also, since Government want to make strikes punishable, let the Government introduce into this Bill a provision whereby they would guarantee an inquiry into the grievances of the workmen, if a strike or dispute is threatened. But that is not to be found in the Act.

Again, Sir, the Canadian Act and other Acts prevent an employer from reducing wages or making changes in the conditions of service, such as hours of work, without notice. The Government here propose, as I have already submitted, the disabilities imposed by the Acts of other countries without giving the Indian workmen the advantages enjoyed by the workmen in other countries. Even, in cases where responsible conventions, like those held at Geneva and Washington, imposed better conditions as to the hours of work and in the matter of rest on all the administrations, including this country, Government, while accepting these recommendations, about 8 or 9 years ago, have not given effect to these conventions up to now. It is no exaggeration to state that, in other countries, the average service conditions in the matter of wages, housing, security of service are, compared with those in this country, almost ideal.

Again, Sir, in all countries, where strikes were made illegal, as a protection to workmen, Councils, after the Whitley Council, wage boards, unemployment bureaus, and innumerable other benefits and facilities are provided. Before making strikes illegal, it is, I submit, necessary for Government to do all this, and then introduce penal provisions punishing strikes.

With all the innumerable advantages, which are given to English workmen, those who read the proceedings of the House of Commons during the passage of the British Trade Disputes Bill, through the House, will

see that the Bill had to be passed in the teeth of the united Labour opposition, with the threat that the Act would be repealed no sooner Labour came into power. This shows, Sir, that it is unwise to enact clause 15 and introduce it into a country, in which wide illiteracy on the part of Labour prevails, and where Labour is still in its infancy.

The origin of this Bill, Sir, is to be traced to the general strike, which came off in England in the year 1919, and to the panic created among some of the capitalists in Bombay on account of a series of strikes, which occurred in that part of the country only last year. There is, I may assert, absolutely no chance of a general strike, such as that in England occurring in India. The remedy for strikes such as those occurring in Bombay and elsewhere, is to insist on the improvement of labour conditions in this country, and place them on a par with those of other countries, and then, if necessary, think of making strikes penal offence, and not until then. With these words, I strongly recommend to the House to delete clause 15.

Sir Darcy Lindsay (Bengal: European): It is a little difficult to understand the strong opposition on the part of the House to this clause, which deals with utility services. I have listened, with some amazement, to the expressions used by my Honourable friend, Mr. Aney, as to the terrible cruelty that this clause proposes to inflict on the workmen. It seems to be quite overlooked that we have had such a condition for many years past in a very prominent public utility service, that is the post office. I do not remember any particular objection being raised against the penal clause in the Post Office Act, and I do not know, Sir, that it has been proved to inflict any very great hardship on the men. Then, again, Sir, my Honourable friend, Mr. Jamnadas Mehta from Bombay, was particularly strong in his condemnation the other day of the public utility services being penalised, except so far as, I think, regards light, which he made a very strong point of, and water as necessities of life. But he forgot to tell us, Sir, that he as a Member of the Bombay Municipality which inflicts penalties on the conservancy workers in Bombay and more severe penalties than this particular clause in the Bill proposes to impose. The Select Committee very carefully considered this clause, and I maintain, Sir, that in the modifications that they have made, they have generously met the opposition from the other side of the House to this particular clause. On this ground, I, for one, strongly oppose my Honourable friend in his amendment to reject clause 15.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): I too had given notice of an amendment of a similar nature. Instead of moving that I support the amendment of my Honourable friend Diwan Chaman Lall. Sir, up to clause 14, the Bill refers to trade disputes, and after that, I mean clause 15 and the subsequent clauses refer to public utility services. So far as we know when any measure is brought before the House for enactment, all the clauses contained therein are brought with one particular object and deal with one particular thing. Here I do not understand how public utility services are included in the subject of trade disputes. I am of opinion that this clause does not fit in with the Bill. If the name of the Bill has been changed in some other way, if the Government should call the Bill "Slavery Revival Bill", of course this clause would fit in. But so long as it is the Trade Disputes Bill, this clause does not fit in at all. It is a fact that the Government is the biggest employer in this land, but the Government is not an employer in the sense in which the manufacturers

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or merchants or traders are employers. Sir Darcy Lindsay has made much of the modifications and alterations. Of course a lock-out clause has been inserted and an abetment clause too has been omitted. I tell you, Sir, how things occur. My Honourable friends on the opposite Benches are very expert draftsmen. They settle what they have got to do. They definitely determine what they want the House to carry. Having done that, they deliberately make some glaring omissions and unnecessary additions. These they do with this object, that when the Bill goes before the Select Committee and when these omissions or additions will be pointed out to them, the Members of the Government will assume a very grave appearance and pretend to think for some time, and then they say, "All right we accept the suggestions". In this way, Sir, some of the Honourable Members, like my Honourable friend Sir Darcy Lindsay, will be puffed up with the idea that their suggestions have been respected and accepted. Therefore, in this way, they are duped to follow the Government and do what they wanted them to do. If you take the clause as it is as regards the abetment clause there is such a thing in the Indian Penal Code. As regards the lock-out clause, of course this was a glaring omission. There are two parties to be affected by the Bill when you make a strike illegal. It is necessary for you, if at least you should pretend to be just, that the lock-out should be made illegal. So there is nothing essential as regards omissions and additions. Sir, everybody knows, and the world has recognised, that strikes are the inherent right of all people and of the workers in particular. This is a manifestation of a deep sense of wrong. Strikes are resorted to to deliver the strikers from suffering and misery. During the period of strike, the strikers suffer more than the employers. They suffer all these hardships simply to get their grievances redressed. Some of my Honourable friends said that labourers are exploited by the Congress people for political purposes and for political reasons. I ask, "is it not for political reasons that the Government have put in this clause?" Is it not a clause meant to be incorporated in this Bill for political purposes? Just now, Sir Darcy Lindsay said that Mr. Jamnadas Mehta made a very strong speech, and only the other day Sir Hugh Cocke said that Mr. Jamnadas Mehta's speech was very wild. I say, Sir, Mr. Jamnadas Mehta spoke fervently, simply because he felt for the suffering masses of this country.

Mr. Jamnadas M. Mehta: Hear, hear. (Laughter.)

Mr. Ram Narayan Singh: Anybody who feels otherwise and speaks in support of measures intended to work against the interest of the people in suffering must be said to be making barbarous speeches or inhuman speeches.

Well, Sir, the Government have laid stress on this that there is such a measure or such an enactment in England, Australia and other countries. When something is said on this side of the House to the effect that there are such things in other countries, and that those things ought to be here in India, the Government at once comes forward and says that East is not West and India is not England. But if the Government want to do something, they will at once quote the instances of other countries and say these things have been enacted in those countries and so India should learn a lesson from them and incorporate those Acts in the statutes of India.

Mr. President: So, what is to be done?

Mr. Ram Narayan Singh: I say, Sir, this is simply a pretext. This is not really a matter for the benefit of the people. I think those people who are convinced by such arguments are only duped.

Of course there are people in this House who must support the Government in every case—it matters little to them whether the Government is right or wrong. And my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, will say: "Well, if you realise my position and responsibility, you won't ask me to vote against the Government". Well, Sir, his attitude reminds me of a saying which is current in the mofussil. It runs thus: "*Poonchha na tanchha main dulaha ki chachchi*". It means: "Whether anybody cares for me or not, I am the aunt of the bridegroom". Similarly, my Honourable friend says: "Whether Government care for my support and co-operation or not, I will support the Government", and at the same time he will come and talk big in this House. Sir, I say that this clause has been introduced in this Bill for political purposes, and I say it is the duty of every Member of this House—and I say it is the duty of every man who thinks that he is a man—to support the amendment moved by my friend Diwan Chaman Lall.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

Pandit Thakur Das Bhargava: Sir, the first thing I wish to point out in connection with clause 15 is that the law which is sought to be passed in this House is not the same as the one which we find in the country wherefrom it is copied. In all penal laws, which provide for imprisonment or fine, the one feature that one would find is that it must have reference to *mens rea*. Unless and until a particular intention or knowledge is imputed to a particular person, he cannot be deprived of his liberty or his property. Now, this is a principle to which there may be certain exceptions, but certainly, in the analogous provisions existing in England, there is no such exception. I will just quote to you, Sir, from the English law on the subject. I am quoting from section 6 of the Act to declare and amend the law relating to trade disputes and trade unions, passed in 1927. The analogous provision runs thus:

"If any person employed by a local or other public authority wilfully breaks a contract of service with that authority, knowing or having reasonable cause to believe that the probable consequences of his so doing either alone or in combination with others, will be to cause injury or danger or great inconvenience to the community, he shall be liable, on summary conviction, to a fine not exceeding £10, or to imprisonment for a term not exceeding three months."

Now, Sir, a perusal of these provisions will establish the fact that a person against whom these penal provisions are put in force must have a particular knowledge, and that knowledge is that his withdrawal of service would result in injury or danger or grave inconvenience to the community. Moreover, Sir, there is one other condition which must be satisfied before the penal provisions can be attracted, and that is that he must

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break a contract of service. Now, Sir, in the provisions of the present clause 15, we find that the knowledge or intention is absolutely wanting. No knowledge or intention need be proved. As regards the breaking of the contract, the words simply are, "goes on strike in breach of contract". Now, Sir, these words do not sufficiently indicate the intention of those who are responsible for this clause. Breach of contract in respect of what? It may mean a breach of contract in respect of time; it may mean breach of contract in respect of other conditions of service. It does not necessarily mean that the breach of contract must be in reference to time alone . . . *

Mr. K. Ahmed: All the conditions of service, time, etc., will be there in the recital of agreement itself.

Pandit Thakur Das Bhargava: If the interpretation sought to be put by Mr. K. Ahmed is right, Sir, then I claim that clause 15 does not express the intention of the framers of that clause. That is exactly my point. I am very glad that at least once Mr. K. Ahmed has understood the speaker rightly. (Laughter.) Sir, I will illustrate my point. Suppose the contract of service was that a particular employee was to serve for eight hours a day; and it so happened that the employer wanted him to work for more than eight hours—say for ten hours; and the employee did not choose to accept those terms but struck work. What would happen? Would he not be guilty under clause 15? That is the question I want to put. My submission is that, under clause 15, as it appears here in this Bill, that man would be guilty, irrespective of the fact that the reasons which led him to strike were perfectly justifiable. No Court would be called upon to determine whether the act of the man, who struck work, was justifiable or not. Now, Sir, if the sole purpose of enacting clause 15 is to clothe the breach of civil contract with certain penal consequences, my humble submission is that, even then, the incidents of contract must be determined with reference to the conditions of the civil contract. I will refer you to section 51 of the Contract Act, which runs thus:

"When a contract consists of reciprocal promises to be simultaneously performed, no promisor need perform his promise unless the promisee is ready and willing to perform his reciprocal promise."

Similarly, Sir, I would refer you to the provisions of section 67 of the Contract Act which runs as follows:

"If any promisee neglects or refuses to afford the promisor reasonable facilities for the performance of his promise, the promisor is excused by such neglect or refusal as to any non-performance caused thereby."

It would follow that ordinarily such defences would be open to any person who was arraigned before a Court of Law as accused and he could be further heard to say that the contract itself was not binding upon him and therefore he was justified in breaking the contract. But to the unfortunate man against whom a charge is made under clause 15, these defences will not be open; and I want to know what justification there is for depriving a man so situate of the benefits of the ordinary incidents of civil contract. Now, Sir, when you compare the provisions of the English law with those existing in the Indian law, you will find that, even before the last amendment of 1927, the English law and the Indian law were

based on similar principles. Under section 5 of the Act of 1875 (Conspiracy and Protection of Property Act), a person breaking his contract was held to be guilty, provided his so doing (which in law could be said to be a breach of the conditions of the contract), resulted in death or serious injury or loss of property. Those provisions of the English law also found a place in section 491 of the Indian Penal Code, and there also the House will find the safeguards of intention or knowledge and the lawfulness of the contract are provided for. The first sentence read thus: "Whoever being bound by a lawful contract to supply the wants of any person", etc., etc., so that both these incidents, that is the lawfulness of the contract and a certain intention or knowledge, have never been absent from any of the provisions so far either in the English or Indian law. This is the first piece of law in which these defences, which should be open to every accused, are not open to the prospective accused under clause 15, and the law is being so framed that the employee will be in the hollow of the hand of the employer and will never be able to elude the evertightening grasp of his fingers. He shall have to cultivate that mental servile attitude in which nothing but implicit obedience shall determine his conduct. Now, in an ordinary contract those things which invalidate a contract can be pleaded, whereas if a person struck work and he pleaded that the original contract was not valid, he would not be allowed to say so. From this it follows that the provisions contained in clause 15 are very drastic in their nature.

I am submitting all this only from a legal point of view. If we consider the conditions prevailing in India, if we consider the fact that, whenever this provision has to be used in India, it will be used by the Government or the capitalists, we find that the enormity of the evil is really too great. It has been just said that, in the Select Committee, these provisions have been very generously treated, and some innovations have been made which were meant to satisfy some Honourable Members. And Sir Darcy Lindsay has just submitted that he is satisfied with those provisions. If the Honourable Members will kindly see the amendments made in this clause, they will find that these amendments are absolutely illusory. The main amendment is that a lock-out in any public utility service has been made penal. Now, Sir, may I ask Honourable Members of this House if they have ever heard of a lock-out in any public utility service? Can it be contemplated that a lock-out in any public utility service will ever take place? And yet those who are theoretically responsible for these lock-outs will be the very persons whose sanction for the prosecution of the employer, who is legally responsible for such lock-outs, will be needed. Who will be responsible? If Honourable Members will kindly see the definition of the word "employer" in this Bill, they will find that he will be the head of a department in a case in which Government are the employers. If so, may I know who will be the person who will grant the sanction? So that practically speaking the main amendment made is in the nature of a make-believe, and it is so threadbare, that it will not deceive anybody.

As regards the other alterations, Sir, there is one relating to the words "any breach of contract" to which I just drew the attention of the House. Some people have interpreted these words to convey the result that clause 15 of the Bill will only affect persons who are not daily wage-earners, but I submit this will not be a proper construction. It may refer to the daily wage-earner also, because it is not necessary that the breach of contract

[Pandit Thakur Das Bhargava.]

must relate to time and to a duration of more than twenty-four hours. Therefore, I submit, Sir, that the amendments made after the Bill has been sent to the Select Committee do not make any substantial difference, so far as the principles involved in this clause are concerned. Here in India, where the condition of the labourer is really a very helpless one, and the employer is too strong, politically as well as financially, any the least concession made in favour of the employer and any the least disability imposed upon the labourer has to be strictly justified. I can understand that, in a country where the Government is responsible to the people, and there is a strong organised labour party, provisions like these may not work hardship to any labourer or workman, but here in this country the employer is the authority which will initiate prosecutions; the employer is the authority which may or may not hear or attend to any public complaint, and we know from our experience that the Government does not care for public opinion in this country. In these circumstances, Sir, this provision, which in a well ordered state may be justifiable in regard to public utility services, is certainly not justifiable in this country.

Sir, while considering these provisions, I am somewhat astonished to find that my friend, Colonel Gidney, takes shelter under a pretence which cannot hold water. He is opposed to the provisions of this Bill, but still he says that he is afraid of communism and therefore he will not come into the lobby with us

Lieut.-Colonel H. A. J. Gidney: I am sure I did not use the word "oppose".

Pandit Thakur Das Bhargava: That is how I understood you.

Again, Sir, I have to thank Mr. Chalmers for the illustration that he gave in this House. I appreciate his kind-heartedness for those starving millions of whom he spoke in his speech. He very kindly read out to us a cutting from some newspaper which very feebly depicts the state of things existing in this country. Any person who cares to see what is happening in this country has only to go to the district from which I and the Honourable Mr. Abdul Aziz hail, and it will be found that, in this district today, a very severe famine is raging. May I know if Mr. Chalmers can quote any illustration in which workmen employed in any public utility services have ever struck work with the object of putting a famine-stricken area in difficulty?

Mr. T. A. Chalmers: I do not think they ever would.

Pandit Thakur Das Bhargava: I can assure him that if the employees only knew that such was the result of the strike they would be the last persons to strike work. A workman has got sympathy with a workman because he knows his difficulties, because he has himself passed through those difficulties. It is the rich people, it is those who do not know what starvation is, who cannot appreciate the difficulties of the poor. This Government cannot feel those difficulties, and if it had really felt their difficulties, provision like this would not have been introduced in clause 15. Sir, I could understand these provisions if the condition of the labourers

in the public utility services was satisfactory. As has been just pointed out, those provisions which exist in England and other countries regarding fixation of minimum wages, unemployment insurance, old age pensions and the like are all conspicuous by their absence in India.

What have you done to compensate the employees in this land for the right which you are taking away from them? Unless and until you can show that you are compensating them, by way of betterment of their conditions, you cannot take away from them the right which is theirs, on the unfounded plea that they will exercise such right to the detriment of the community at large. In fact, these provisions are in a way academic. I consider them to be more of an academic than practical nature. I can confidently predict, and I hope official Members will agree with me, that in any measurable distance of time, there is no likelihood of any general strike, and at the same time, if Government agree to insert, in clause 15, a provision like this that the persons employed in a public utility service will not be held guilty of any offence unless and until knowledge is brought home to them that, by their so doing, they will bring hardship on the community, the contingency will never arise when any set of workmen will behave in such a manner as will cause hardship to the community at large

Mian Mohammad Shah Nawaz: You will do away with notice?

Pandit Thakur Das Bhargava: I am asked a particular question whether I will agree to provisions like this which say that a notice of fourteen days is necessary. Apart from the question whether these provisions should be on the Statute-book of our country or not, I do not hesitate to say that, in public utility services, such provisions are justifiable ("Hear, hear"). But the point at issue is whether, in the particular conditions of India, in the condition in which this law is placed before us for acceptance in the absence of all the other provisions and safeguards which are to be found in most other countries, this clause 15 is acceptable. May I put, in reply, a question to Mr. Shah Nawaz? Could he say with his hand on his heart that he is justified in accepting clause 15 in the absence of provisions which appear in the English law on the subject?

Mr. President: This is not question time.

Pandit Thakur Das Bhargava: Sir, I oppose this clause.

The Honourable Sir Bhupendra Nath Mitra: Sir, I submit that most of the arguments which have been adduced by my Honourable friends on the opposite side in support of the amendment moved by my friend Diwan Chaman Lall, are misconceived, for he has succeeded, adept as he is in that art, in producing a barrage of smoke before the eyes of his friends whom he has persuaded to support the amendment. I may, in passing, also observe that the facts, with which he tried to dazzle this House, are mostly in the nature of fictions. My Honourable friend, Mr. Cosgrave, has rather dispelled one of those fictions. Another alleged fact produced by my friend, Mr. Chaman Lall, was that the penal provisions in the municipal laws, wherever they exist, have never been utilised. I have before me documentary evidence showing that, during the year 1928, these penal provisions were used, and successfully used, in two cases. I think in Select Committee Mr. Jamnadas Mehta repudiated

(At this stage Diwan Chaman Lall rose to interrupt the Honourable Member.)

Mr. President: The Honourable Member is not willing to give way.

The Honourable Sir Bhupendra Nath Mitra: . . . repudiated the suggestion that the provisions of the Bombay Act had not similarly been used in one case.

(Diwan Chaman Lall again rose to interrupt the Honourable Member.)

My Honourable friend has had his innings. I never interrupted him when he spoke, and I hope he will hear me without interrupting me. Now let me proceed. I think it was yesterday that I put the question; what is this so-called right to strike, and how does it originate? I quoted from publications of the International Labour Office sufficient facts to prove that the right is not there. The right which exists undoubtedly is the right to cease work; that is inherent in the right to work. But the right to strike and the right to cease work are not the same. Though the word "strike" has been loosely used in the course of this morning's speeches to mean cessation of work, it means quite a different thing. The definition is given in clause 2 (i) of the Bill itself.

" 'Strike' means a cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment."

That, Sir, is the meaning of the word "strike", and as I said yesterday, the right to strike is not an inherent right. The right to strike is undoubtedly conceded by the community in various countries, but in conceding the right, the community also provides safeguards to protect itself against serious inconveniences arising to it out of the exercise of this conceded right.

As I said yesterday, strikes of public officials are practically prohibited in all the countries of the world. The individuals serving in public utility services with which we are concerned in clause 15 are in India mostly, I should say 90 per cent. or more of them, public officials. As I have stated, in most other countries of the world the right to strike is absolutely denied to them. It is not a fact that, in all those countries, the various advantages to which reference was made by some of my friends on the other side are existing at the present day. As a matter of fact in all countries, public officials are in a much better position than the workman or labourer at large. Now, Sir, as I said yesterday, the reason why in most countries the right to strike is denied to public officials and is restricted in the case of workers in public utility services is somewhat as follows. The workers in these industries are in a particularly strong strategic position by reason of the essential services which they perform, and it is therefore held that there is no injustice in curtailing, to some extent, their right to strike. In dealing with this question, Sir, I am more concerned with the practical and economic aspects of the problem than with the psychological, philosophic or political aspect which my Honourable friend, Mr. Srinivasa Iyengar, was led into by the historic speech of my friend, Diwan Chaman Lall.

Now, Sir, I have already urged that this limitation on the right to strike will operate also to the best benefit of the workman himself. The only way in which the workman, under present conditions, can secure an improvement in his conditions relating to wages, hours of work, etc., is by securing the goodwill of the community and the best means by which he can secure this object is by putting him on his good behaviour towards

the community. My friend, Mr. Munshi, whom I do not find in the House at the present moment, asked me a specific question. He said, "Now suppose that a workman in a public utility service gives 14 days' notice of his intention to strike under clause 15 (1) of the Bill, and suppose that the employer forthwith serves him with a 14 days' notice of lock-out, and at the end he gets rid of the workman. The result is that the workman loses his employment. Therefore the effect of the provision is not to stop lightning strikes but to stop strikes altogether". Sir, with all deference to my Honourable friend from Burma, I am not sure that I was able to follow the trend of his argument. Supposing that workmen gave no notice that he was going on strike, but did go out on strike, and his employer therefore dismissed him, how is the position in any way worsened by the fact that he gave this 14 days' notice?

Mr. Jehangir K. Munshi: It gives the employer 14 days to replace him.

The Honourable Sir Bhupendra Nath Mitra: In connection with that it was urged by my friend Mr. Srinivasa Iyengar and others that it would be difficult to replace these men on railways so quickly, as they are mostly technical men. I think it was Mr. Srinivasa Iyengar who said that the only people who could be replaced quickly were the scavengers. Therefore the question of replacement is not so pertinent but the question which is more pertinent is this. Take the case of a railway. If an employee, or a body of employees, gave 14 days' notice and declared their intention of going on strike at the end of the 14 days, and the employer of that railway took no action within the 14 days to inquire into the grievances of the men, and as a result, a strike took place with considerable inconvenience to the community, then the community would certainly not let the matter rest there. They would take steps to ascertain why, during this period of 14 days, no action was taken to arrive at some settlement of the reasonable grievances of the workmen.

An Honourable Member: What action can be taken?

The Honourable Sir Bhupendra Nath Mitra: It may be in various directions. In any case the grievances will be examined. If the workman said, "I give 14 days' notice of my intention to strike because I suffer from these grievances", obviously it would be the duty of that particular employer, in view of his obligation to the community at large, not to go to sleep over that state of affairs.

The question has also been asked what would be gained by placing this enactment on the Statute-book because it will be never used. I have already brought to the notice of the House that similar provisions exist in the municipal law of various provinces, and they have been used as the necessities of the occasion demanded. Moreover, penal provisions of the kind incorporated in this clause will have a deterrent effect. No intelligent person—and some of these workmen in public utility services possess a considerable amount of intelligence—would care to break the law of the land deliberately, and therefore that provision is sure to have a deterrent effect. Moreover, as my friend Diwan Chaman Lall admitted, even if it is not considered desirable to prosecute the workman himself, who has actually broken the law, it will be possible, and with the best of effects, to prosecute the person who has incited that unfortunate workman to that particular course of action and thereby caused misery to him

[Sir Bhupendra Nath Mitra.]

and serious inconvenience to the community at large. Sir, I regret that I cannot agree to the amendment moved by my friend Diwan Chaman Lall.

Mr. President: The question is:

"That clause 15 of the Bill be omitted."

The Assembly divided:

AYES—38.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Gulab Singh, Sardar.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Mehta, Mr. Jamnadas M.

Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Murtuza, Saheb Bahadur, Maulvi.
Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Ranga Iyer, Mr. C. S.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan.
Bahadur.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

NOES—55.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur.
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur.
Honorary Captain.
Hussain Shah, Sayyed.
Hyder, Dr. L. K.
Jowahir Singh, Sardar Bahadur.
Sardar.

Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra.
Nath.
Mitter, The Honourable Sir Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur.
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

Clause 15 was added to the Bill.

Mr. President: The question is:

"That clause 16 stand part of the Bill."

Diwan Chaman Lall: Sir, I beg to move the following amendment:

"That clause 16 of the Bill be omitted."

Sir, I regret to find that this matter of the Trade Disputes Bill, which affects the liberty of millions of workers in this country, is being treated on the floor of this House in a somewhat light-hearted manner. The Honourable Member in charge of this Bill will agree with me when I say that, in another country from which he has borrowed the provisions of this Bill, similar provisions have elicited tremendous opposition, have created acrimonious debates, debates that have lasted for days upon days, with the result that an open challenge was thrown out by the Labour Party in Great Britain that, once it came into power, they would see to it that this measure would be removed from the Statute Book. I regret to find that the Government of India, realising probably the weakness of the labour movement in this country, realising also that, in the opposition too, there are elements of weakness because of the vested interests, are taking this course, I repeat deliberately taking this course in a light-hearted manner. It is difficult for any man, who really knows the subject of labour in this country, to speak without exciting a certain amount of heat, because, as I said on the previous occasion, after all, in Great Britain they had the excuse that there they had 167 Members of the Labour Party, who could get up and speak in opposition to the proposition moved by the Government and speak against the Bill. Here there is not a single representative of labour, a genuine representative of labour, as such, elected to this Chamber, and it seems to be most shameful thing for the Government to have brought in this measure, which is nothing else but a class measure, meant to inflict grave hardships on the working classes, without going to the country once again and demanding the verdict of the country, without listening to the verdict that has already been given by the classes affected by the passing of this Bill.

I said that the labour movement in this country, the responsible labour movement, is unanimous in its condemnation of the proposal brought forward by the Honourable Member. We have just been dealing with one proposal, which seeks to restrict for a temporary period the right that workers have to cease their work. We are now dealing with another proposal which seeks to restrict, not for a temporary period but for all time; that is to say, if a body of workmen under these circumstances declares a strike, that strike will be considered to be an illegal strike. Let me read the clause as it stands:

(1) "A strike or a lock-out shall be illegal which—

(a) has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and

(b) is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action.

(2) It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lock-out.

The motion was negatived.

[Diwan Chaman Lall.]

(3) For the purpose of this section—

- (a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, in that trade or industry, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour of persons in that trade or industry;
 - (b) without prejudice to the generality of the expression 'trade or industry', workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with agreements made with the same employer or group of employers.
- (4) A strike or a lock-out shall not be deemed to be calculated to compel the Government unless such compulsion might reasonably be expected as a consequence thereof."

Now, Sir, the whole basis of this clause is, first to make illegal general strikes, second, to make illegal sympathetic strikes, and the clause is so worded that it will exercise the ingenuity of, not one Law Member but of a whole panel of Law Members, to find out exactly what the terms in these clauses mean. What is meant by "general and prolonged and severe hardship"? What is meant by "compelling the Government to take or abstain from taking action"? There was once a very famous judge, who said that the devil himself does not know the mind of man, and I wonder how many of us would know the mind of Government. (Laughter.) How is anybody to know the mind of Government? It is presumed that we have committed an offence if we compel the Government to take, or abstain from taking, any particular course of action. Further, no funds in the direct furtherance of any such strike are to be employed, and if they are employed, then there are further clauses which will come into action.

Now Sir, why is it that the Honourable Member has taken upon himself, towards the close of his career as Member in charge of the Department, why has he taken upon himself the task of leaving behind him repressive legislation of this nature, which even in a country like Great Britain, where the labour movement is very well organised, has been condemned mercilessly as a weapon to be used by one class against another? I don't know if the Honourable Member has ever had the opportunity of reading the long debates which went on in the House of Commons in regard to this subject. He would have discovered, if he had read the debates, that this charge was levelled, time and again, that this is a weapon which is being placed in the hands of employers in order to inflict injury upon the working classes. We heard a little while ago from the Honourable Member that there is a difference between the right to strike and the right to cease work. Well I think it was Colonel Gidney who interrupted the Honourable Member, which interruption I do not think the Honourable Member heard, when he said with regard to the right to strike, "Does it involve or does it not involve a cessation of work"? If it does involve a cessation of work, if the strike does take place, where is the difference, the distinction? We are merely splitting hairs over a problem which the Honourable Member ought to be aware is a very simple one, considering that he himself has defined the word "strike". Here is the definition of a strike:

"'Strike' means a cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue work or to accept employment."

There is no ambiguity about this. Suppose two men combine together, and they say we shall cease work. That is a strike. I challenge the Honourable Member or anybody to deny that, according to the definition he has laid down, if two people combine and agree to cease work, that that would not be considered to be a strike. That certainly would be considered to be a strike. Any cessation of work, provided there is concerted action, is a strike. A strike does mean a cessation of work, and a strike ordinarily imports an element of combination, otherwise there would be no strike. If I give notice and say, I am going to stop work and go home, that would not be a strike in ordinary parlance, but a strike means nothing else but concerted action taken by two or more people to stop work when they so desire to stop work. The Honourable Member said that they had no right to strike in certain industries, and that it was recognised that the right to strike had been taken away from them. What is the Honourable Member doing here? He is not taking away the right to strike from workers in certain industries only. That is a matter which was considered in clause 15. What he is attempting to do now is that if "A", a body of workers, go on strike, then, "B" another body of workers who choose to help them in that strike, shall not be allowed to go on strike. If they do, then the penal clause comes into force. Has a proposition like this ever been considered seriously by the Government? I say deliberately that this proposition has not been seriously considered in this country. What does it mean? I am going to ask the Honourable Member to remember that it amounts to this, that he is forgetting the scope of modern industry as it exists at the present day. The facts which the Honourable Member has in mind might have been relevant in an age about 150 years ago, but they are not relevant today. There is no distinction at all now. Take the transport industry for instance. Where is the industry going to cease? Suppose the *Katara wallahs*, that is those who drive bullock carts, in Bombay, want to declare a strike. Suppose they want to stop work, and suppose they want to go on strike, and suppose the dockers from whom they get their produce which they cart away to the mills also want to assist the *Katara wallahs* in their strike, does not the Honourable Member realise the natural and inevitable connection between the *Katara wallahs* and the dockers? Does he not realise the connection between taxi drivers and *victoria wallahs*. Suppose the *victoria wallahs* go on strike in Bombay, am I to be told that because the *victoria wallahs* go on strike, the taxi drivers should not declare a strike and if they do so, it shall be declared illegal? Suppose they both belong to the same union, namely the Transport Workers' Federation, suppose the *Katara wallahs*, the taxi drivers and the *victoria wallahs* who all belong to one group declare a strike, then, according to the phraseology employed by the Honourable Member, if the other two groups, which are bound under the decision of the executive to go on strike, do go on strike, they will be declared to be members engaged in an illegal strike.

Let us take industry by industry. Let us take the coal industry. There are various categories of workers in the coal industry. The coal industry is very much allied today to the transport industry. The transport industry is very much allied to the railway industry. These are all branches of one and the same industry, so to speak from the trade union point of view. Suppose now, the coal miners go on strike, the object with which they go on strike being that no coal should be produced. It is the natural right of every worker to cease work if he so chooses. Their object is that no coal should be produced and the natural and the inevitable result will be for them to see to it that no coal shall be carted away from the coal centre.

[Diwan Chaman Lall.]

Then they call upon the affiliated railway men's trade union and say: "You shall not handle coal". The Honourable Member immediately comes in and says that it is an illegal strike. Nevertheless it is a dispute in that particular industry, because the railway men are handling the coal the coal miners are handling the coal, the coal carriers are handling the coal, the electricians employed in the mines are handling the coal, and if all these combine and say, "We shall not produce coal, we shall not cut your coal, we shall not carry your coal, we shall not transport your coal," if they say all this, that very moment they are declared to have overstepped the limit of the ambit of their particular industry, and the other body of workers, who come out in sympathy with them, are to be declared a body of workers who are engaged in an illegal strike. Industry today is not docketed in water-tight compartments. There is a natural and inevitable connection between one industry and another, just as there is a natural and inevitable connection between workers' organisations of one kind and workers' organisations of another kind. This is but one of the defects that I would like to point out.

Let me take another set of difficulties. What will be the result of passing legislation of this kind? Has the Honourable Member considered for a moment what the result will be? I see from the notice board outside in the lobby that there are six lines about yesterday's debate sent out by Reuter or by the Associated Press; out of which there are three lines devoted to the Honourable Member, and one of the lines says that the Honourable Member appealed to the House not to be carried away by Diwan Chaman Lall's threat of a general strike on the day of the passing of this measure. I tell the Honourable Member, in all seriousness, that I did not at all mean any threat. I drew the Honourable Member's attention to a Resolution that was passed by the all-India Trade Union Congress, indicative of the tremendous sense of discontent prevailing among the working classes over the provisions of this Bill. I ask, has he considered the serious consequences involved? Does he know the history of the trade union movement in Great Britain, when similar repressive legislation in the past was resorted to by employers and the Government alike? What was the result of it? Let me just read to him a few sentences as to what happened:

"Human nature could not endure the ills to which workers were subjected under the changes effected by machinery, inventions and large scale productions. The operatives therefore formed combinations in defiance of the laws. They took the form of secret societies or were masked as friendly societies, funeral or misfortune clubs."

They had to form such societies or clubs to get outside the ambit of the law.

"Every union that can nowadays claim an existence of over a century possesses a romantic legend of its early years. The midnight meeting of patriots in the corner of a field, the buried box of records, the secret oath, the imprisonment of leading officials—all these are in the sagas of the older unions. In spite of persecution and prosecution, combinations flourished. Capitalists and politicians were alarmed at the growing working class solidarity. Capitalists dreaded loss of profits and politicians loss of power by the potency of combination among the multitude of workers. Capitalists pretended, 'We cannot make our English cloth so cheap as they do in other countries, because of the strange idleness and stubbornness of the poor'. The manufacturers protested that liberty of combination must make the workers the ultimate authority in industry'. They found 'that combinations of workmen would succeed in securing a great rise of wages to the detriment of profits'. The politicians were equally certain that trade union action would raise prices, and thus undermine the foreign trade, upon which the prosperity and international influence of England depended. Under the shadow of the French revolution, the English governing classes regarded all associations

of the common people with the utmost alarm. In this general terror lest insubordination should develop into rebellion were merged both the capitalists' objection to high wages, and the politicians dislike of democratic institutions."

May I tell the Honourable Member that the conditions that prevailed in Great Britain at that time could not be met by repressive legislation; on the other hand repressive legislation led to the formation of secret societies. It never killed the spirit of the working classes in Great Britain. The same is absolutely true of this country today. The Honourable Member is seeking to have power by the repressive measure that he intends to pass, but this legislation will have exactly the same effect in this country, namely that he will not succeed in killing the spirit of the working classes in this country. He will embitter the feeling between the working classes, on the one side, and the employers on the other. Is that the object of the Trade Disputes Bill? What is the object of the Trade Disputes Bill? The object is to prevent and settle trade disputes, and instead of settling and preventing trade disputes, the Honourable Member is seeking power from this House which will result in not settling or preventing trade disputes, but in creating a plethora of trade disputes throughout the country. In industries in which there has never been a shadow or has never been a murmur of trouble—even when there has been trouble it has been settled either amicably or after some little difficulty in those industries—by the passing of this measure, and by incorporating this particular provision in this measure, I say and I assert, and I shall prove it, and I hope the Honourable Member and I will live to prove it, that in these industries the Honourable Member is going to create graver and graver trouble and constant friction between employers and workers. Strikes that nobody ever dreamt of before, will be the inevitable result of the passing of this particular provision in this measure. I want to ask those great custodians of the industries in this country who are so unfortunately absent from the House today, I want to ask them what will be their attitude towards this? Are they wanting peace in their industries? Their constant cry has been that there is a slump in industry in India and that they want peace, they want security, and that they do not want any trouble. I want to ask them, what is their attitude going to be if, as I assert—and I assert with authority—as a result of the passing of this measure, there is going to be a great deal of trouble in this country, there is going to be a series of strikes where nobody ever dreamt of a strike, a great deal of hardship inflicted upon the poor and a great number of men sent off to prison for no conceivable crime that they have committed, except merely perhaps that they have ceased to work when they found they could not continue under the existing circumstances? I ask, what is the attitude of these great entrepreneurs, these captains of industry, in this country in regard to this particular provision of the Bill? Now, Sir, I am sorry to say, as far as I can recall, not one of them, barring my friend Mr. Fazal Ibrahim Rahimtulla, has spoken on this Bill; and therefore I am in the dark as to what their attitude is going to be in regard to this measure. What is their attitude going to be when this fact is prominently brought home to them, that when they desire to prevent trade disputes, the present measure, if passed, is going to bring about just the contrary effect? Has the Honourable Member considered this position? And was it for this reason that in the Preamble to the Bill it is put down:

"to make provision for the investigation and settlement of trade disputes, and for certain other purposes."

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Now, we all know what those other purposes are, and I consider that they are not certainly the purposes which were meant when this Bill was thought of originally in 1920 or 1924 or 1925, namely, to prevent and settle trade disputes. I am sure those certain other purposes are going to lead to the creation of more trade disputes in this country. Is this the kind of equanimity with which Honourable Members, who are supporting this Bill, are going to view the result of the passing of this provision? Or are they going to inform the Honourable Member that they cannot conscientiously be parties to this grave injustice being inflicted on the working classes, to a measure which is going to create more trouble for the Government and for the working classes of this country?

Now, Sir, the Honourable Member was talking about the right to strike, which is now being denied and taken rightaway from the workers by the passing of this particular provision. Some Honourable Member said on the floor of this House that he did not want the working classes to be exploited by the politicians. That same gentleman, who said that, is ready enough to exploit the working classes for his own benefit. After all, if the politicians do exploit them—I deny that statement emphatically, but taking it for granted that the politicians do exploit the working classes of this country—they do that with a high motive, namely, to arouse them from their lethargy. I find the Honourable Member on the other side smiles—he has never been a politician all his life, he has only been an official. Little does he know about the difficulties of politicians or of the political life of this country. The politicians do so because they feel that even those working classes must demand their inherent right, the right of self-government, the right to govern themselves. Even those classes must demand the right to live a decent life. What is the political advantage that I or my friend Mr. Joshi can derive by exploiting all these working classes? We know what particular advantage my friend, Mr. Fazal Ibrahim Rahimtulla, can derive by exploiting the working classes. You see the happy and prosperous look in his face. Where does it come from? I say from the wealth which he has got and which was earned for him by the working classes. Whoever is a millowner whoever is a factory-owner or whoever is a capitalist, employing workers, I say that man exploits the workers and gets his wealth out of the exploitation of the working classes.

Now, we are told that this measure is being brought forward in order to prevent the exploitation of the working classes by the politician. That we have heard time and again, but what does it mean? Let me analyse this charge. On what occasion—I want the Honourable Member to enlighten me on this point—during the last nine years in this country has there been a single instance in which any politician, for the sake of exploiting the workers, has gone and instigated a strike? Will any Honourable Member have the courage on the floor of this House to stand up and give me one instance? I can, on the other hand, say that I, who have dealt with a large number of strikes during the last nine years, small or big, involving sometimes more than 50,000 workers at a time, have never, in my whole experience of the labour movement, instigated a strike; but on the other hand I have been instrumental in settling numerous strikes in different parts of the country throughout India. I cannot conceive of a man who

would go out of his way and act criminally in this fashion, i.e., to instigate a strike for the fun of it. It cannot be denied, unless anybody wants to say so purely because it happens to please the Honourable Member to make a remark like that or may please any other Honourable Member. I say it is not true, it is a false statement to make that there are politicians in the labour movement trying to exploit the working classes. But it is a true and correct statement that all these captains of industry, the representatives of whom sit in those Benches, constantly and ceaselessly exploit the working classes for their own personal gain. (Hear, hear.)

How is the Honourable Member going to prevent the working classes from developing their own politics, by passing this Bill? Does the Honourable Member realise, and do not Honourable Members realise, that if the landowners have their own politics and have seats allotted to them in this House, that if my friend Mr. Fazal Ibrahim Rahimtulla can have his own political creed whatever it might be—it might be even difficult to tell what it is at times—the labouring classes should not be prevented from having their own politics? Is it something inherently immoral, is it something wrong in the working classes, to demand that they should have also their own politics, their activities and their own aims and that they should agitate for those political aims? What are the political aims of the working classes? I am speaking Sir, with reference to this particular clause. For instance, take the eight hours' day. The Honourable Member knows that the Washington Convention declared in favour of the eight hours' day. But unfortunately, India was deliberately excluded from the strict provisions of that Convention, and certain modifications were introduced with regard to the Convention as it affected India. Now, this matter was raised by us at Geneva last year, and it was said: "Yes, because of the peculiar situation in India, certain modifications had to be made in regard to India". Now, Sir, there are the coal-miners, the dock-workers, the seamen. . . .

The Honourable Sir Bhupendra Nath Mitra: Are all these relevant to the clause we are dealing with, Sir?

Diwan Chaman Lall: If the Honourable Member will have one minute's patience, he will realise it is relevant. I am sure that the Honourable Member does not regard this measure with that seriousness with which I am regarding it. If he will only have patience—it is his job, he is paid for it, I am not; he is paid to have patience, I am not. I want him to exercise patience in regard to this Bill. Suppose the railwaymen, the dock-workers, the seamen, the coal-miners, and the textile workers—they all combine and say: "It is our right, we shall demand an eight hours' day." Suppose the miners say; "We shall declare a strike to-morrow if we do not get an eight hours' day", and then the strike is declared and all the other classes of workers join them in a sympathetic strike to enforce the demand for an eight hours' day. Does not the Honourable Member realise that he is penalising everybody? He shakes his head. It may be that it is not a dispute outside the particular industry. The dispute arises, say, with the miners—I am only giving an example. The dispute arises, say, with the miners—I am only giving an example, and I want the Honourable Member to follow me—and they declare that they want an eight hours' day. In sympathy with that demand, all the other workers falling under the categories I have mentioned also declare a strike, but they do so only in sympathy with that demand. Can the

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Honourable Member point to any provision here which prevents those strikes being declared illegal? Will the Honourable Member
4 P.M. point out any word here which prevents the authorities from tackling these strikes and declaring them to be illegal? Of course they would be illegal.

The Honourable Sir Bhupendra Nath Mitra: It is no use my interrupting the Honourable Member; he will never understand that particular clause.

Mian Mohammad Shah Nawaz: He never does.

Diwan Chaman Lall: I am very glad to get that certificate from my Honourable friend, Mr. Shah Nawaz.

Mian Mohammad Shah Nawaz: What else can I say after what you said that there was no analogous section in the English Act of 1927 to clause 15 of the present Bill.

Diwan Chaman Lall: The Honourable Member has just awakened from deep slumber apparently (Laughter). If he had been listening to what I have been saying.

Mian Mohammad Shah Nawaz: I will awaken you from your slumber if I get a chance to speak and expose your ignorance of the provisions of the English Act of 1927.

Diwan Chaman Lall: The Honourable Member says that I do not understand him. Let me try and make him understand for a minute. I wish the Honourable Member would pay attention himself to what I am saying for a moment. He is so obsessed with his own ideas and his own particular line of argument that he has chalked out for himself, that it is impossible to put anything into the mind of the Honourable Member. Let me take this clause. It says:

"has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged."

Now, Sir, in the example that I gave, the railwaymen have an object other than the furtherance of a trade dispute within the trade or industry: that is to say, they are coming out in sympathy with the demand made by the miners. It is not a demand made by the railwaymen; it is a demand made by the miners; but the railwaymen, in sympathy with the miners, come out on strike. Is there any provision which prevents that strike from being declared illegal? I agree that there is the further provision, "is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action." But I take it that, if the railwaymen come out, it would inflict general and prolonged hardship on the community and thereby act to compel the Government to alter its decision. The Honourable Member has taken a decision in regard to the Washington Convention and says, "No. 8-hour day. Only on the basis of the Washington Convention as applied to India." The workers, Sir, want

an eight-hour day, and one particular class of workers, the miner, says: "We want an 8-hour day; and if you do not give it to me tomorrow I shall go on strike; if you do not put legislation through in the Legislative Assembly, we will go out on strike." The railwayman says "hear, hear, I shall be at your back." The result is severe and prolonged hardship caused to the community. Now, Sir, because the railwaymen have gone on strike, or the dock-workers have gone on strike, or the mill-hands have gone on strike in sympathy, is that strike illegal or not? If I am wrong in my understanding of this clause, will the Honourable Member kindly get up and tell me whether I am wrong, where I am wrong and whether he is right. I pause for a reply, Sir, before I proceed further.

The Honourable Sir Bhupendra Nath Mitra: Obviously, if both conditions are satisfied, it would be an illegal strike, and that is precisely what the law will provide for to safeguard the community against severe, general and prolonged hardship.

Diwan Chaman Lall: Quite right. That is exactly my point, and I trust the Honourable Member will now say that I am not wrong. . .

The Honourable Sir Bhupendra Nath Mitra: Because the Honourable Member was then referring to only one of the conditions.

Diwan Chaman Lall: Does that improve the case of the Honourable Member, I want to ask? Of course here we are dealing with a legitimate trade union matter—not a political demand. It is not a political demand; it is not a demand for independence in support of my Deputy Leader, Mr. Srinivasa Iyengar; nor is it a demand in support of Dominion status—the demand made by my Leader, Pandit Motilal Nehru. Nor is it a demand to do nothing—the demand made probably by Sir George Rainy. It is a legitimate trade union demand. What does it say? It says that, in this industry, we do want an 8-hour day. Today you have got shifts in the coal mines up to a limit of, I think, 12 hours. They say, "No. We do not want this at all; we want shorter hours; we want an 8-hour day." The railwaymen say, "We want an 8-hour day." The textile workers, who work 10 hours a day in Bombay, say, "We want an 8-hour day." But they say all this after the miners have said so, and after the miners have gone on strike after saying so; and in order to help the miners to win their demand, which may possibly affect the chances of winning their own demand later on, they say, "All right, my friends, we shall be ready and we shall go on strike in sympathy with you," thus causing grave hardship and prolonged hardship to the community. Such action is illegal. What justification has the Honourable Member for making that illegal? When a particular demand in a trade union regarding wages and hours of work is put forward legitimately by a legitimate trade union, and that trade union calls for the sympathy of other workers who are allied and who probably belong to one organisation, of which they are all members, why should the Honourable Member come and penalise the action taken concerted by all these workers? Is there any justification for that?

Lieut.-Colonel H. A. J. Gidney: Because under the clause it is illegal.

Diwan Chaman Lall: Of course it is illegal; I am saying it is illegal and therefore I ask what justification have you to make it illegal.

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LEGISLATIVE ASSEMBLY.

[4TH APRIL 1929.]

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Now, Sir, as the Honourable Member referred to a book that he read out, concerning the International Labour Office, let me also, dealing with this particular matter, read out a few extracts:

"No effectual legislation or administration can be without a 'sanction.' If, therefore, industrial organization is to develop at least in part independently of political government, will it be possible for such organization to avoid appeals to a government for 'force' to provide a sanction? Clearly if either an employers' association or a trade union or an industrial council is to rely for the operation of its agreements and rules upon the police, it will inevitably become a part of the machinery of political government."

It is not we who are giving politics to the labour movement, but it is the Honourable Member who is mixing up the labour movement with politics by bringing in repressive legislation of this kind because, under it, it is left to the police to put his ideas into force and to shove those ideas down the throats of the working classes, and if they do not accept his ideas, so much the worse for them: give them a taste of His Majesty's prisons. (Hear, hear.)

"If agreements between trade unions and employers' associations are operative only by being statutory or enforceable at law, the agreements lose entirely their non-governmental character and the parties to such agreements are no longer autonomous. The State cannot enforce an agreement without some control of its terms; but there is no necessity that the State should enforce it. In actual fact, another type of sanction exists. First, there is the power of exclusion from privileges. Any organisation complete enough to include most of the members in a trade is strong enough to make the will of those members effective by driving out of the trade anyone who resists that will. This is the old power of excommunication or ostracism or outlawry. Secondly, there is the sanction known as direct action. This involves the cessation of work, either by the ordinary 'strike' or by the 'stay-in strike' or what is sometimes known as 'cannery', 'working to rule' on railways, or 'going slow'. This method is, at first sight, very crude; for it implies that the only way of organising production is by ceasing to produce or threatening to do so."

This, Sir, is the fundamental right which the Honourable Member is denying to the working classes:

"The method is like war in the organisation of the relation of governments; it is an appeal to a balance of forces, when a decision cannot be reached by the only proper method for reaching a just decision—reasoning. But in the world, as it is, the method is in fact used; and it has been found in some ways beneficial. Its use can only be made unnecessary by the discovery of (1) general principles, agreed upon by all parties, on which a dispute may be judged, and (2) a method of applying those principles."

Now, Sir, by the methods which the Honourable Member is attempting to foist upon the working classes, namely, the baton of the policeman:

"A more important point in regard to direct action is that it involves the administrative problem of the responsibility of agents. A strike may be not so much a method for enforcing claims of the strikers as a refusal to work for certain ends."

(I want the Honourable Member to pay attention to this)

"This is the case with most 'sympathetic' strikes, and with strikes for what are called 'political' purposes."

And, Sir, these are the strikes which the Honourable Member is seeking to make illegal:

"The philosophers have said that no man ought to be simply a means or passive instrument of the will of another; for no man ought to divest himself of all moral responsibility for the results of his actions. . . . If, however, this occurs, on every ground of political and moral principle, he should 'strike'—that is to say, he should cease to do or refuse to do what he cannot do as a moral being. He cannot act morally as an animal or a non-moral machine."

Not only is there a deeper political principle involved in this, but there is also a moral principle involved in this. If a certain body of men find themselves morally compelled to cease work in sympathy with another body of men, no matter if the result is the infliction of severe and prolonged hardship upon the community, have they or have they not a right to exercise and bring into full play their moral sense and do what their conscience dictates them to do? The Honourable Member has a very high appreciation of the moral sense. I want him seriously to consider this point of view and to see if he can justify the action that he is taking in making it penal for a man to act up to his own morality, to give effect to his own conscience, to carry out the dictates of his own conscience, and if such an eventuality should arise, the Honourable Member knows that, under the provisions of this Bill, such a man or such a body of men will never be able to act up to their conscience, because if they do so, they are immediately brought under the provisions of this law.

Sir, it has been said that one of the objects of this Bill is to prevent the working classes from being utilised for purposes of political action. I want to say that there is no method known today, in the year 1929, of distinguishing what is political from what is economic, for the simple reason that, if the Honourable Member knows anything at all about economic history, he will find that it has been asserted time and again by numerous economists that all our political activities have, as their basis, economic forces. What are we here for? Even in this Chamber our legislation partakes of a colouring of the economic forces that are mixed up in political action. How can anybody distinguish between the two? Is it a political demand, for instance, to say that the working classes want representation on the Central Legislature in order to better their condition, or it is an economic demand? How is it possible to differentiate the two? Is it a political demand for the working classes to say, "Well, we must capture the organisations that exist in this country, namely, the Provincial Legislatures or the Municipalities or the Local Boards or the Central Legislature; we must have a fighting programme and an organisation for the purpose of capturing them"? Will that be considered as purely political action, knowing that the inevitable result of that would be, they would better their own condition? It is not possible to distinguish one from the other, and when we talk about a general strike, with which I shall deal in a minute, which it is one of the objects of the Honourable Member to make illegal, by the provisions of this Bill, it is not possible to tell, in the case of a general strike, whether it is purely for political objects or for purely economic objects. Whatever the objects may be, the question is, are you going to make a general strike illegal by the provisions of this Bill, merely because the employers ask you to do so, or merely because the conservative in Great Britain, in a moment of temporary aberration, has taken the law into his own hand and passed a law to this effect? Is that the reason? I shall show presently to the Honourable Member that, even in Great Britain, when there was a desire to make a general strike illegal, it was not as a result of what actually happened in 1926, but a series of Acts had been committed by the Conservative Party during the last few years of its power which are to be considered on the basis that they were Acts of a class nature against

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the working classes, and it was in pursuance of the general strike of 1926 that the Trade Union Act of 1927 was brought upon the Statute-book. Now, as an authority for that, let me draw the attention of the Honourable Member to the debate that took place in the House of Commons. Mr. Clynes, as the acting Leader of the Opposition on that occasion, speaking on that Bill, which is in very many respects similar to the Bill we are now discussing, said:

"This Bill is not due to the fact that there was anything like a general strike last year. The industrial troubles of last year are not the cause, though they are being made the occasion for this particular purpose. 11 separate Bills have been introduced from that side of the House during the last 6 or 7 years, all exhibiting the spirit of this Bill and aiming at the present liberties and activities of organised labour. Millions of Tory leaflets, before this Bill was introduced, have been circulated to Tory organisations, and thousands of speeches have been made from Tory platforms on the lines of this Bill. I particularly ask the attention of the Prime Minister to the fact that for a long time now it has been the purpose of his considerable following to sow internal dissensions in the trade unions as between their members and their leaders, to exhibit the trade unions as 'wasteful, money-squandering organisations, doing nothing in return commensurate with the contributions which the members pay'."

Now, Sir, if that was the policy of the Conservative Government, a deliberate, calculated policy, in order to rob trade unionism of its effect, in order to rob trade unionism of its influence and of its power, what necessity is there for the Honourable Member to bring in a similar legislation on the floor of this House? Who is dictating this policy? For whose good and for whose benefit is this policy? I want that matter to be made perfectly clear, and I hope the Honourable Member will enlighten the House as to the policy behind this measure. What is it? What is the underlying policy? Is it a policy merely for the benefit of the working classes? If it is so, I challenge that statement, and I shall show that that cannot be true. Is it a policy dictated by the Conservative Government in Great Britain, as was alleged by my Honourable friend, Mr. Kelkar the other day? Is that the policy? Or is it the fear of the communist movement in this country, the communist movement which will lead you on to a general strike? Let us have it clearly and unequivocally from the Honourable Member. Let us know what is in their minds. Let them not hide themselves behind the succulent statement that this legislation is for the benefit of the working classes of this country. What is the policy behind all this? I want to know it, Sir. I submit, Sir, the policy is not any different, as far as I can make out, from the policy which dictated the programme of the Conservative Party when a similar measure was brought before the House of Commons in 1927, and that policy was a deliberate attack upon the working class movement. And if, Sir, I may be permitted for a moment to refer to the past action of the Government, I say that this contention of mine is borne out by the action that they have been taking during the past few years.

Take, for instance, the Public Safety Bill. They are afraid of what? They are afraid of the labour movement. There is this Trade Disputes Bill, and here too they are afraid of the labour movement. What happened to all the promises that we have had on the floor of this House in regard to the benevolent attitude of the Government or some of its heads towards the working classes? Why does not the Honourable Member

move and bring in measures for the betterment of the working classes in this country, instead of bringing in penal measures which have nothing to do with the betterment of their condition? Why all this tremendous hurry? What is the necessity for bringing in this penal legislation and utterly ignoring the other side of the picture, namely, that the condition of the working classes is such that it needs amelioration? The first duty of a Member in charge of the Labour Department should be to introduce legislation in order to ameliorate the condition of the working classes. Therefore, I submit, Sir, that there must be a policy behind it, a policy that is probably dictated, from beyond the seas. (Hear, hear.) If that is so, then I ask Honourable Members here to agree with me when I say that they must not be parties, elected Members must not be parties to the programme of the Government, a programme which in my opinion is being dictated to them over their heads in a manner which suggests that they themselves are doing it, not reluctantly, but as parties to a conspiracy against the working class movement in this country. Now, Sir, this is what Mr. Clynes further said:

"The country has suffered, but no matter how deep and serious the suffering may be, there are rights that cannot be cancelled by a majority in this House having no authority from outside and no mandate from the country, and one right upon which we shall insist so far as we are able is the right of masses of workmen to exercise their full freedom, whether employed by the Government or no, to sell their labour or to withhold it as they may choose."

The Honourable Member was talking about the right to strike. It is the fundamental right of the working classes to give their labour or to withhold their labour, and it is not for the Honourable Member to bring in penal clauses, in order to prevent the working classes from dealing with their labour, which is their own, in the manner they choose to deal with it. Now, Sir, this particular provision militates against this one principle of the freedom of the working classes to sell their labour or withhold their labour as they choose. All that the Honourable Member could hope for, all that any reasonable man in this House could hope for, is to make a man who breaks a contract with his employer liable for a civil action.

My Honourable friend, Pandit Thakur Das Bhargava, said a little while ago that, as far as these clauses are concerned, you are importing a new theory of criminality into this Bill. The question of *mens rea* does not arise; there is no criminality in a man ceasing his work. He is not committing a crime, not even a moral crime when he ceases to work in sympathy with his fellow workmen, even though it causes hardship to the community. Where is the criminality? Where is the *mens rea*? I hope the Honourable the Law Member will enlighten us, because he is a student of jurisprudence, as to the principle of jurisprudence underlying the importation of the idea of crime into a man attempting to cease work in sympathy with his fellow workmen, even though it causes hardship to the community. Has he or has he not the right to do so? Today he has, and tomorrow, when the Honourable Member gets this measure passed, probably he will not have. But how is that going to help the Honourable Member? Is it going materially to solve the difficulties that confront the labour movement? Is it going to solve any difficulties for the Government? Does he not realise that, far from solving all those difficulties, the Honourable Member will have to open new jails in order

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to fill them with those people who deliberately, after the passing of this measure, will take it into their heads to assert their rights as freemen? There can be no greater slavery than that a man should be compelled to work when he does not want to work. I ask, if there is any worse slavery than that of a man being compelled to continue to work at his occupation, or a body of men being compelled to remain at their occupation, when they, for moral or economic reasons, consider it wrong that they should continue to work? And that is exactly what will happen by the passing of this Bill.

I say, Sir, in view of the fact that the Government have not got a mandate behind them for the passing of this measure against millions of workmen in this country, that it is not right for them, not moral for them, not honest for them, not just for them, to come forth with a Bill of this nature and get it passed with the votes of Members who are nominated, officials or non-officials, and with the assistance of the vested interests. I say, it is wrong, morally wrong for them to do so. The only way in which they could have got the consent of the people for a measure of this nature is for them to have circularised the trade unions, namely, the people who are affected by this measure and get their consent to the passing of a Bill like this. The Honourable Member knows that the opinions, so far expressed, are contrary to the acceptance of this particular provision in the Bill, and knowing that, knowing that the labour movement is dead against it, knowing also that the overwhelming majority of elected Members are dead against it, who are present here in this House, and knowing that he is against it, who are present here in this House, and knowing that he is carrying or that he is attempting to carry and will carry perhaps this measure in the teeth of all this opposition, I ask, what moral justification he has for passing this measure. He has no moral justification whatsoever, except the eternal and inscrutable wisdom of the Government of India which passeth all understanding.

Now, Sir, this matter has been debated at length in other places, but I want now to deal with the inter-relationship of industry by which it will be apparent that the provisions of clause 16 will be absolutely nullified, will have no effect whatever in the present state of industry in India. Mr. Clynes said:

"I want to call the Right Honourable gentleman's attention to the view that they have in his own profession. In medicine, in law, in business, or in commerce there are acts done by gentlemen corresponding to those done by men who are dressed in fustian. Why this great solicitude for the workman renegade and for the blackleg? If a body of doctors or lawyers resolve upon a certain course of action, and their association endorses it, any desertion from the decision is at once published by a form of boycott. Offending members are put into disgrace. Their act is regarded as professionally improper, and they may even be struck off the roll to be publicly branded as guilty of an infamous act in relation to their own class."

But here, by this Bill, a blackleg is sought to be protected! He further said:

"We assert also the right of groups of workmen, regardless of their employer or occupation, to act sympathetically with each other. To deny their right so to act is virtually to destroy the first principle of organisation. This Bill is an elaborate denial of everything in the present practice of organised labour. We shall, therefore, not submit to the mockery which this Bill presents. Upon what ground do the Government claim that dock workers shall not act with tramway men, or taxi-cab men act with both? Upon what ground do the Government claim the right to separate and segregate each one in a trade or industry and compel each group in that way alone

to fight its battles? They do it on the ground that it is an act to coerce the Government and is, therefore, wrong. Who is to judge what is right and what is wrong? Why the Attorney-General, the representative of the Government for the time being. The Bill, in short, means that while a group of men may cease work, if they do so they must cease everything else. They must do nothing to make their strike a success once they have entered into it. They must not be guilty of such a scandal as pouring ridicule or contempt upon the blackleg. They must not make wry faces at him, or say 'Boo!' to one who deserts his class. I understand now why in the earlier stages of such a debate as this the Home Secretary pointed out to the House that it was not legal for one person to boo another."

I think it is a very correct interpretation of this provision that Mr. Clynes gave in the House of Commons, namely, that Government is attempting to make illegal sympathetic strikes for no other reason but this, that they may result in inflicting hardship upon the community and coercing the Government. Why should not Government be coerced? Government is the biggest employer in this country. Why should not Government be coerced into altering its decisions? Government is being coerced every day to alter its decisions. Government is being coerced by the Simon Commission to alter its decisions. The Government was coerced, when the Labour Government came into power for nine months—it was almost coerced into altering its decisions. Every man who threatens to vote against Government and whose vote is necessary for the purpose of Government, coerces that Government, and yet it is only the poor worker, it is the employee of the Government who desires to alter his conditions of employment,—it is the poor worker who is going to be prevented from coercing the Government, although if landlords coerce Government it makes no difference, if bankers coerce Government it makes no difference, if the financiers coerce Government it makes no difference, and if nominated Members coerce Government it does not matter. (Laughter.) If nominated Members coerce the Government, it makes no difference, even if the party of my friend Mr. Shah Nawaz of the Central Muslim Group coerces the Government—it makes no difference. I ask, why should not the workers employed by the Government demand from the Government certain terms of employment which they consider to be just and honourable, and they can only do so by making an attempt to alter the decision of Government, whose employees they are, and if in consequence of that there is a hardship inflicted upon the community, what of that? If the community has got any influence with the Government or with the authorities, then the community will see to it that the demands of the workers are met. It is the inherent right of the worker to give up his work when he knows that the conditions are not honourable. I ask, under what canon of law, justice, equity or decency should a worker be prevented from going out on a sympathetic strike when he knows that the conditions under which his fellow workers work are not honourable, even though hardship is caused to the community? I say, Sir, it is the desire of the Government to weaken the labour movement. They know perfectly well that one body of workers going on strike on their own may not be able to succeed. Now let us take the example of the mill-hands. Suppose they go on strike. The mills cannot work without the power provided for the mills and if the Bombay Electric Tramway Company declare a strike, then naturally hardship is going to be caused to the community. It may be prolonged, it may be severe. Now, I ask, under what moral authority, does the Honourable Member seek to declare it illegal. Have not the workers in the Electric Company the right to go to the assistance

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of their fellow-men who are working in the mills and say, "But for the power that we produce, these mills would not be able to work". There is a definite affiliation between the two industries. But for the power supplied, the mills would not work. Now, I submit, there is every moral justification for one class of worker to come to the assistance of another class of worker and there is every moral wrong in the Honourable Member seeking to prevent one class of worker from assisting another class of worker.

Now, let me come to the interpretation of these clauses. What is, "severe and prolonged hardship," as provided for in clause 16? Let me take the word "prolonged". Is one day sufficient? Are two days sufficient? Is a week sufficient? Where was that particular magistrate born who would be in a position to adjudicate upon the word "prolonged"? Are there any decisions in regard to this matter? No decisions. My Honourable friend, the Law Member, said the other day that he could not define the word "landowner". Can he define the word "prolonged"? I ask him to define that word for me. Can any other Member define that word for me? Then take the word "general". What is a general hardship? Is it a general hardship if all the babies in a particular town are affected? Is it a general hardship if all the deaf, dumb and mute in a particular town are affected by it. Is it a general hardship if no vegetables are provided for the inhabitants in a particular city? What is it? Has it ever been defined? If the Honourable the Law Member cannot define the word "Landowner," how much more difficult must it be for him to define this word. Now, let me take the word "severe". What is a severe hardship? It is a very severe hardship for me to have to speak on this motion, considering that I know perfectly well that every word I say will go through one ear of the Honourable Member and come out by the other. What is severe hardship from the legal point of view? Is there any definition in any legal dictionary for these three terms? Is there any guidance to be given to the magistrate who will try cases under this clause, or is it to be left to his sweet will and pleasure, to his education, his culture or his humanity to come to a decision one way or the other? Now let me take the word "coerce". Is it coercing the Government to make a demand for better wages?

Lieut.-Colonel H. A. J. Gidney: There is no definition.

Diwan Chaman Lall: My friend, Colonel Gidney, says there is no definition of this.

The Honourable Sir Bhupendra Nath Mitra: The word "coerce" does not appear in the Bill before the House.

Diwan Chaman Lall: I am sorry. I beg the Honourable Member's pardon. I was referring to the English Act. The word used is "compel". Now, I ask the Honourable Member—to compel the Government to do what? Am I to be considered as a man who is compelling the Government to take a particular course of action when I say that I want an eight-hour day, and I go in for a sympathetic strike which may involve severe, general and prolonged hardship on the community? Is that compelling the Government to take a particular course of action or to abstain from taking a particular course of action? I want the Honourable the Law Member, when he does speak, to make these points clear, because, as he

knows, even in the English Act, these terms or similar terms which have been used, are hedged round with a great deal of difficulty. Now, let me tell the House what the English Act has to say about it. The phrase "sympathetic strikes" is not used in the Act. The Government's declared intention was to make the strike of 1926 impossible. The first paragraph is declaratory. Now, these two expressions "general strike" and "sympathetic strike" are not to be found here. Nevertheless the intention of the framers of the English Act was to declare the general and sympathetic strikes to be illegal. That is exactly the intention of the Honourable Member in regard to the provisions of this Bill. Suppose this Bill becomes law, and an instance arises in which the matter is referred to a Law Court, they will obviously have to consider the words that I have used which, to my mind, have no significance. They are so vague. If my words are vague, they are vaguer still. If it was impossible for the Law Member to understand those words it is much more impossible for him to define these four words that are used here in clause 16.

Now, let us take the position as to what will happen in case this Bill is passed. What has happened in Great Britain? These are the conclusions that certain legal authorities have come to in regard to some similar provisions in the English Act. The illegality declared by this clause covers some, but not all, sympathetic strikes. A strike by workmen in support of other workmen within the same trade or industry would presumably not be held to be illegal, whatever hardship it might inflict on the community. This is one point to be considered. If the reason for bringing in this clause is to prevent the severe and prolonged hardship upon the community, then, as the Honourable Member knows, even according to this clause 16 a group of men in the same trade going on strike in sympathy with another group of men on strike and thereby causing grave hardship, prolonged and severe, cannot be prevented from doing so by Government. So if the reason is to prevent that strike, that aim is not achieved. Of course, I am not suggesting to the Honourable Member that he should now proceed to amend his Bill in order to achieve it. What I am suggesting is that that aim cannot be at the back of his mind, in bringing forward this measure, because if that aim had been at the back of his mind, then he would have taken steps to see that, in no circumstances, should it be a legal strike if it was prolonged and caused hardship to the community with the object of compelling the Government to do something. This is the exact interpretation which would apply to the provisions of clause 16. On the other hand, a strike by workmen in support of workmen employed in some other trade or industry will presumably be held to be illegal if the effect of their striking ought reasonably be expected to result in inflicting a hardship on the community and thereby in compelling the Government. Now, this is the interpretation of it:

"Secondly, it covers a primary strike where the object exceeds the furtherance of a trade dispute within the trade, hardship is inflicted and Government compelled. It would be held to cover a strike by the miners for the purpose of securing nationalisation of mines."

That is an interpretation which is given to the word "illegal" in the English Act.

The next point is that it has any object other than the furtherance of a trade dispute within a trade or industry. Even a strike in one particular trade by a group of workers would be declared to be illegal under clause 16

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provided the object is something over and above the furtherance of a trade dispute

Mr. President: Order, order. Is the Honourable Member likely to finish in a few minutes?

Diwan Chaman Lall: I do not think so, Sir. I would like to go on for some time more.

Mr. President: I propose to allow Honourable Members an opportunity, as soon as possible, to state their views on the point of order in connection with the Public Safety Bill, but that cannot be done today. So, I will do so tomorrow morning at 11 o'clock, first thing in the morning, and then ask the House to resume discussion on this particular amendment.

The Assembly then adjourned till Eleven of the Clock on Friday, the 5th April, 1929.

LEGISLATIVE ASSEMBLY.

Friday, 5th April, 1929.

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

SHORT NOTICE QUESTION AND ANSWER.

CLASH BETWEEN SHIAHS AND SUNNIS ON THE NORTH-WEST FRONTIER.

Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the report published in the *Hindustan Times*, dated the 3rd April, 1929, page 7, under the headings *Shiah-Sunni clash in Frontier* and *Heavy Toll of Human Lives*?

(b) If so, is the report correct?

(c) If it is correct, will Government be pleased to state what steps they propose to take in this direction with a view to save human lives and property?

Sir Denys Bray: Yes, the report is in the main correct. Eighteen months ago the Shiah Orakzai were driven out of some of their hereditary lands in Tirah after heavy fighting. The trouble arose originally from a feud among the Shiahs themselves, the weaker party calling in the Afridis and Sunni Orakzai to their aid. Though the Shiahs are now united, they have hitherto failed to eject the Sunnis, who remain in possession of valuable Shiah lands. Last week there was a recrudescence of fighting, so far without a decision.

The whole of this tribal affair has taken place in tribal territory across the administrative border. While making every effort to bring about a peaceful settlement, Government have up to the present, refrained from intervening by force of arms. They have, however, guaranteed protection to the evicted clans in their lands, near the border of which they are still in possession, and relief measures have been concerted in the form of labour on roads and employment as border levies.

Khan Bahadur Sarfaraz Hussain Khan: Have Government taken any actual steps in the matter?

Sir Denys Bray: I can add nothing to the rather complete answer I have just given.

Khan Bahadur Sarfaraz Hussain Khan: On a previous occasion, there were similar troubles and Government sent some aeroplanes and dropped bombs. Is this a fact, and if so, cannot Government adopt the same steps to put an end to this trouble?

Sir Denys Bray: I have already told the Honourable Member that Government have guaranteed protection to the evicted clans in a certain guaranteed area.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE FOR EMIGRATION.

Mr. President: I have to inform the Assembly that, up to 12 Noon on Thursday, the 4th April, 1929, the time extended for receiving nominations for the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, the number of candidates nominated for election to the panel is equal to the number required. I therefore announce that the following sixteen members are declared to be duly elected:

1. Haji Abdoola Haroon,
2. Nawab Sir Sahibzada Abdul Qaiyum,
3. Rao Bahadur M. C. Rajah,
4. Haji Chaudhury Mohammad Ismail Khan,
5. Sir Darcy Lindsay,
6. Lieut.-Colonel H. A. J. Gidney,
7. Rev. J. C. Chatterjee,
8. Mr. S. C. Mukherjee,
9. Sir Hari Singh Gour,
10. Mr. K. Ahmed,
11. Mr. Anwar-ul-Azim,
12. Sayyed Hussain Shah,
13. Mr. Muhammad Yamin Khan,
14. Lala Tirloki Nath,
15. Sir Purshotamdas Thakurdas, and
16. Sardar Bahadur Sardar Jowahir Singh.

ELECTION OF MEMBERS TO THE GOVERNING BODY OF THE CENTRAL COUNCIL OF AGRICULTURAL RESEARCH.

Mr. President: I have to inform the Assembly that up to 12 Noon on Wednesday, the 3rd April, the time fixed for receiving nominations, five nominations were received for election to the Governing Body of the Central Council of Agricultural Research, out of which three candidates, namely, Pandit Nilakantha Das, Mr. Amar Nath Dutt and Mr. T. A. Chalmers, have since withdrawn their candidature. As the number of the remaining candidates is equal to the number required, no election is necessary. I therefore declare the following two persons to be duly elected:

1. Mian Mohammad Shah Nawaz, and
2. Mr. Mukhtar Singh.

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THE PUBLIC SAFETY BILL—contd.

(POINT OF ORDER.)

Mr. President: I should like, at this stage, to hear the views of Honourable Members on the point of order on the Public Safety Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I wish to rise to a point of order.

(At this stage the Honourable Mr. J. Crerar rose in his place.)

Diwan Chaman Lal (West Punjab: Non-Muhammadan): Sir, I should like to know whether this is a pre-arranged business between Sir Hari Singh Gour and the Home Member.

Mr. President: Order, order. Mr. Crerar.

The Honourable Mr. J. Crerar (Home Member): Sir, with your permission, I should be glad to have an indication from you as to the precise points on which you propose to invite opinions. I wish to suggest that two points may conceivably arise of a distinct character. The first is whether it is the desire of the House that the discussion on the Public Safety Bill should be proceeded with, and my submission on that point is that that question will naturally and normally arise on a motion in the name of Mr. Jogiah, which is already on the paper. The other point relates to the question of the powers of the Chair to direct the scope of the debate. I submit, with the utmost deference, that the discussion on the first point would naturally and normally take place on the motion I have mentioned, consequently the point on which you propose to invite opinions is presumably the specific point of the powers of the Chair as distinct from the desire of the House to proceed with the discussion. I would respectfully submit that the discussion should be limited to that specific point.

Mr. President: The two points on which I desire Honourable Members to express their views are these. First, whether it is possible to have a real and reasonable debate on the motion that has been made by the Law Member in connection with the Public Safety Bill, in view of the pending prosecution at Meerut. And the second point on which I desire Honourable Members to express their opinion is the power of the Chair to intervene at this stage.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, at the outset I desire to thank you for the opportunity you have given to this House to discuss the two points which you have just mentioned.

It is clear that you are under no obligation to hear any Member of the House on any of those two points, and that it is for you, Sir, to give your ruling independently of what the Members might think either on this side or the other. I take it therefore that it is a special concession which you have shown to the House, and we are very grateful to you for that.

Now, Sir, the two questions that you have mentioned are very serious and important questions. The Government attach very great importance

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to the second question, namely, your powers, and I shall, therefore, with your permission, first deal with it and then deal with the first question.

Sir, it is stated, on behalf of the Government, that the Government have an absolute discretion in the matter of putting forward such legislation and at such time as it thinks proper. There cannot be the slightest doubt as to the correctness of that proposition. But, Sir, that proposition depends upon a variety of other considerations which you have to consider, because every measure and every motion whether it relates to a Bill or a Resolution, which comes up before the House, is subject to a certain procedure, and that procedure, Sir, is subject to the controlling authority of the Chair. Now, in this particular case, while conceding the general right of the Government to bring forward any piece of legislation they desire, and at any time they desire, I submit that such discretion of the Government must be subject to the rules and the Standing Orders and of the principles underlying those Rules and Standing Orders.

Now, I wish to draw your attention to the relevant Standing Orders on the subject. The first Standing Order that I would refer to is No. 30. I am taking the various stages which must be gone through when any motion is before the House. Standing Order 30 lays down a general rule that:

"A matter requiring the decision of the Assembly shall be brought forward by means of a question put by the President on a motion proposed by a Member."

So that, whether it is a Bill or any other motion, it has to be brought forward by means of a question put by the President on a motion proposed by a Member. That is the first step. What is the second step? The second step is to be found in Standing Order No. 32:

"After the Member who moves has spoken, other Members may speak to the motion in such order as the President may call upon them. If any Member who is so called upon does not speak, he shall not be entitled, except by the permission of the President, to speak to the motion at any later stage of the debate."

So that, after the Member who moves has spoken, there is the right in the House, there is a right in every Member of the House, to speak, of course in such order as you call upon him, except where that right has been waived by any particular Member by not rising to speak when you called upon him.

Now, the third step is what is to be done or how the debate is to be regulated. For this we have Standing Order 29. There is of course the liberty of speech, but subject to the restrictions mentioned in Standing Order 29, which, among other matters, lays down that:

"No speech shall refer to any matter of fact on which a judicial decision is pending."

We are only concerned with this, and I am not referring to other restrictions. So that, so far we have the right of Members, whom you are pleased to call upon to speak, to speak generally, with this exception that they cannot refer to any matters of fact on which a judicial decision is pending.

The next Standing Order to which I would call your attention is No. 34, which relates to closure. The debate under the preceding Standing

Orders has proceeded to a certain stage where the closure may be moved and therefore the Standing Order says:

"At any time after a motion has been made, any Member may move 'That the question be now put', and unless it appears to the President that the motion is an abuse of the rules or these Standing Orders, or an infringement of the right of reasonable debate, the President shall then put the motion 'That the question be now put'."

Now, Sir, that at once gives the whole principle upon which the procedure of the debate in this House is to be based. You, Sir, are the sole judge as to whether there has been a reasonable debate upon a motion, and if a motion to put the question has been made and you are of opinion that it is being made in abuse of these rules or the Standing Orders, or is an infringement of the right of reasonable debate, you are at liberty to disallow it. In fact, it is your duty to disallow it.

The Honourable Mr. J. C. Crerar: Put the question?

Pandit Motilal Nehru: Yes, the closure; and the debate will proceed and proceed upon the same lines which I have already indicated, subject of course to the restrictions mentioned in Standing Order 29. Then, Sir, sub-clause (2) of Standing Order No. 34 specifically refers to the Government Member who moves a Bill. It shows that he is no exception to the rule, and is, on the contrary, subject to your controlling authority in this matter as much as any other member. It says:

"At any time after a motion has been made in respect of a Bill promoted by a Member of the Government, that Member may request the President to put the question, and unless it appears to the President that the request is an abuse of the rules or these standing orders, or an infringement of the right of a reasonable debate, the President shall then put the question."

I will take an extreme case. It will not do for my Honourable friend, the Home Member, to rise and say, "I move the Bill", and at the next moment to ask you to put the question. That would certainly be an infringement, not only of the right of reasonable debate, but also of the proprieties of the House.

Now, we come to sub-clause (3), and that gives you one instance in which the motion may proceed to be voted upon without being debated when you, in the exercise of your discretion, think that the matter has been reasonably debated, and agree to put the question. In that case the question shall be put without any amendment or debate. Sir, my point in referring to these Standing Orders is that they clearly show what are the matters which must be subject to a reasonable debate; what are the matters which do not admit of any debate and must be put at once after the motion is made. They also show that, in the conduct of the proceedings and of the debate, there shall be no abuse of the Standing Orders, and there shall be no infringement of the right of reasonable debate. Now, there is another instance of a motion being put to vote without much debate, and that is in Standing Order 37:

"If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who opposes the motion, may, without further debate put the question."

That is the restriction. Besides these provisions, we are all familiar with the procedure when the guillotine is applied to a debate on Demands for Grants. Now, those are the specific instances in which the rules

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expressly exclude the right of any debate whatever, whether reasonable or not. Barring those cases, I submit that the right of reasonable debate is a right which is a fundamental right of this House. It is a right which must in the very nature of things, belong to a deliberative body which is asked to give its opinion, after a full and due consideration of the question put before it. If it were otherwise, of course there is no reason why we should all be here. Now, Sir, my contention is that, if there is a motion which is an abuse of the rules and the Standing Orders to such an extent that you cannot move it and adduce arguments in its favour and arguments against it, without impinging upon some rule or other—and we will only take here the relevant rule, namely the rule that matters *sub judice* should not be brought into the debate—suppose such a case does arise what is to happen? I am asking you to take an extreme case, which is the only true test, *viz.*, a case where admittedly a Bill comprises only such matters as are the subject of a pending case awaiting judicial trial. I will show later that the Safety Bill is neither more nor less than such a measure. The general right of the Government to bring in any piece of legislation before this House and at any time being accepted I ask whether it will be possible, in the case I am assuming, where every provision of the Bill, every clause of the Bill is either the same as the allegation of some plaint or complaint, or directly or indirectly involves the question which is raised at the trial, whether that Bill can be subjected to any debate whatever. I am simply assuming it for the present, but will show later that the case before us is on all fours with the case I am assuming. If there can be a measure where you cannot say anything, either in support of or against it, without infringing the rule regarding matters *sub judice*, how can it be said that any reasonable debate can be held in this House? I submit, Sir, that a Bill like that would itself be vitiated by reason of being in itself an infringement of the right of reasonable debate; but I may add also of the proprieties of the House. Well, that being the case, it only remains for me now to show that the present is a case where no reasonable debate can be held without referring to matters *sub judice*. And if I succeed in showing that, I submit that I shall have made out my case that this is a measure which is affected by the very disability which is attached to the speeches of the speakers and is vitiated thereby.

Now, Sir, I have carefully gone into the provisions of the Bill and the very learned speech made by the Honourable the Home Member, as also the complaint against the accused persons which he was good enough to lay before this House. I find that it is impossible, in discussing the one, to get away from the other. What the Honourable the Home Member says in his statement which he made yesterday is this:

"For this purpose"—

that is to say the debate,

"they do not require to refer to any detailed allegations which will be for the adjudication of the Court, and they are of opinion that nothing need be said which would prejudice a matter which is before the Court."

Now, Sir, what is the matter before the Court? The description by the Honourable the Home Member of that matter is this:

"Whether the thirty one accused persons, or any of them, have entered into a conspiracy to deprive the King-Emperor of the sovereignty of British India."

That is the charge, I admit, and therefore, to this extent, it is a matter before the Court because the Court has to determine whether the charge is true or not. But this, like all other charges made against accused persons, is practically an inference from the facts upon which it is based. In order to find out what are the matters of fact, not matters of law and inference, which are awaiting determination by the Court, you have to see, not merely the relief sought, *viz.*, that a man should be convicted, or that certain property should be awarded to the plaintiff, but the facts upon which the relief is based, and which will have to be proved in the course of the trial by one side, and disproved by the other side. If you look at the complaint, you will find that all the facts and the circumstances mentioned in the first five paragraphs thereof are statements which have been repeated almost exactly in the same words in this House by the Honourable the Home Member. What do they come to? They come to this: "That there is an organisation in Russia which aims, by armed revolution, to overthrow all the existing forms of Government." That is number one. The next is that this organisation, which is called the Communist International, "carries on its work and propaganda through various committees, branches and organisations"—named here in the complaint—which include "a sub-committee concerned with Eastern and Colonial affairs, the Communist Party of Great Britain, which is a section of the Communist International,—the Red International of Labour Unions, the Pan-Pacific Trade Union Secretariat, the League against Imperialism, etc.". These are all channels through which the propaganda of the Communist International is carried to various parts of the world. That is allegation number two in the complaint.

Then, paragraph 3 goes into the ultimate objects of this propaganda, which is said to be carried on through these various committees and sub-committees. The objects are: "The incitement of antagonism between capital and labour, the creation of Workers' and Peasants' Parties, etc., the introduction of nuclei of such communists, with illegal objects as aforesaid, into existing trade unions, etc., the encouragement of strikes, hartals and agitation, propaganda by speeches, literature, etc., and the utilisation and encouragement of any movements hostile to the Government." This is number three.

Now, Sir, you will be pleased to observe that there is not a word said here up to this about the accused. It was found necessary, in order to introduce the part taken by the accused in this matter, to state the very foundation of the movement, that is, that an organisation exists in Russia, that it carries on its propaganda by various means and through various committees, and that its objects are so on and so forth. Now, we come to the first mention of the names of the accused:

"That in the year 1921, the said Communist International determined to establish a branch organisation in British India, and the accused Sripad Amrit Dange, Shaikat Usmani and Muzaffar Ahmed entered into a conspiracy with certain other persons to establish such branch organisations with a view to deprive the King-Emperor of his sovereignty of British India."

Mind you, a conspiracy, not to deprive His Majesty of the sovereignty of India directly, but as a result and consequence of all these activities from Moscow to India. The first premise here is that these societies exist and carry on their propaganda in a particular way, and that they have a particular object, *viz.*, the overthrow of all Governments. The second premise is

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that certain accused persons entered into a conspiracy to establish branch organisations for the purpose of carrying out that object. The conclusion is that, by doing so, they have conspired to deprive the King-Emperor of his sovereignty of British India. So that the depriving of the King-Emperor of his sovereignty of India is not an independent fact, but follows from other facts which have to be proved both for the purpose of the Bill and that of the prosecution. You cannot prove a man's mind except by proving the acts he has actually done. The common foundation you have to prove is the various things contained in paragraphs 1 to 3.

Then comes paragraph 5.

"That, thereafter, the various persons including the accused were sent to India by the Communist International through the medium of one of its branches or organisations with the object of furthering the aims of the Communist International."

Now, Sir, it is not for me to go into the merits of this complaint, but it is evident that mere "aims" cannot be criminal. The allegation here is that the furthering of the aims of the Communist International was taken up by certain persons, who came from outside India and established branches in India.

Then we come to paragraph 6, and there it is stated as an inference from what has gone before, that these accused who live in different centres of British India have conspired with each other to deprive the King-Emperor of his sovereignty of British India.

The 7th paragraph is that the accused have met and conspired together in various places, and in pursuance of such conspiracy as aforesaid the accused formed the Workers' and Peasants' Party at Meerut and there held a conference, and therefore it is prayed that these accused persons may be punished under section 121A. The facts that are mentioned here are precisely the same as have been relied upon to justify the Bill, as I shall now proceed to show by reading the speech of the Honourable Member. I shall read just a few passages so as not to detain the House at any great length. This is what he said:

"I propose now to summarise very briefly the most important facts relating to this movement which directly concern India. In 1919, the Communist Party of Russia established in Moscow an organisation known as the Third Communist International, whose aim was defined as the promotion of revolution throughout the world for the purpose of setting up an International Communist Republic."

(This is the first paragraph of the complaint)

"A thesis published by this body in 1920 expressly contemplated the direction of activities towards India and the East. . . . They were actively resumed in 1925 and 1926 when a communist emissary, calling himself Allison or Campbell, started the formation of Workers' and Peasants' Parties in India in pursuance of the programme. He was followed by two others who took up the task and have since been zealously pursuing it with an increasing band of associates, including persons convicted in the conspiracy case already referred to, to the great injury of the country and in particular to the great injury of its industrial population."

Then, Sir, he goes on and says:

"These movements have excited a lively and active interest recently in two foreign organisations which are communist in aim and inspiration,—the Pan-Pacific Trade Union Secretariat and the League against Imperialism."

These are also mentioned in the complaint, and it is stated that branches of these are established in India. Now, Sir, when the motion to refer the Bill to a Select Committee was being discussed, I took the opportunity to state my own personal experiences in regard to the League against Imperialism, and it would appear from what I said and from what other Honourable Members said, that it was not a fact, as alleged against the League against Imperialism that it was a communist body. Similar facts alleged against some of the other associations mentioned by the Honourable Member were not admitted in this House, nor were likely to be admitted at the trial. Both are the subject of discussion and the subject of proof. Then the Honourable Member goes on to say:

"Among the various sources from which they have come may be mentioned the Red International Labour Union, the Profintern, another communist body, the Central Council of Trade Unions of Moscow and the Communist Party of London. Without these powers or precautions against the alien movements, the Bill would be defective in an important particular."

Now, Sir, if you look at the Bill, what is its foundation? The foundation of the Bill is in the Preamble, which runs as follows:

"Whereas it is expedient, in the interests of public safety, to check the dissemination in British India from other countries of certain forms of propaganda. . . ."

That is the starting point. It has been taken exception to in this House and will again be taken exception to in the course of the debate on the consideration of the Bill, after receipt of the Select Committee's Report.

There are, if I may say so, two pivots upon which the whole Bill turns: the first is the Preamble, which I have just read, and the other is the definition of the person to whom this Act applies. These are the real sheet anchors of this Bill. If you take out those clauses, nothing remains of the Bill, because the other clauses merely say what will happen if a person, to whom the Act applies, does certain things or does not do certain things. But our quarrel is as to who should or should not be a person to whom the Act applies. Sub-Clause (3) (c) says:

"'person to whom this Act applies' means any person who is a member of, or is acting in association with, any society or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity, etc. etc."

The position, therefore, is this. In order to prove a person guilty and otherwise liable under this Act, all that has to be shown is that he is a person to whom the Act applies; viz., a person who is acting in association with any society or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity, etc. That is the whole kernel of the Bill. The rest are all provisions to carry out the intention of Government as to how such a person is to be dealt with. But what we seriously object to is that there should be any person to whom this Act should apply; and if there is no person to whom the Act can apply, the Act is useless. That, Sir, is the way in which we oppose this legislation. We say that in the first instance, it is not true that a case has arisen when it should be expedient, in the interests of public safety, to check the dissemination in India and other countries of such doctrines, and in the second place, we say that it is not true that a man who is a member of any of these organisations, or is acting in association with any of

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these societies, should be a person to whom this Act is to apply. These are, Sir, the very facts—the two most important facts which have got to be established in the Meerut case; and that being so, I submit that no reasonable debate can be held in this House on the most important questions involved in the Bill because they are similarly involved in the prosecution which is pending.

The Honourable the Home Member has been pleased to assure us, and you, Sir, that the Government will give every assistance to the President in ensuring that, on their part, the rule which prohibits reference to matters of fact, on which a judicial decision is pending, is not violated. Now, Sir, it is easy enough for the Honourable the Home Member to give such an assurance in a thin House like this, as he is confident of his voting strength and expects the House to pass the Bill without saying anything necessary to justify it. It is we who have got to oppose the Bill, who have got to go into the very genesis of the Bill and to expose the motives which lie behind the Bill, and in doing so, I submit we must necessarily go into matters which are the subject of inquiry. I therefore submit that there can be no doubt that this motion itself is open to the objection to which every speech, if made in support of it, or at least against it would be open.

Sir, the general principle, as I have submitted, is to secure to this House a right of reasonable debate. You are the guardian of that right, and it is for you to see that that right is not taken away from any Member of this House. In a case like this, I submit it is being taken away not only from one or two Members of this House, but from the whole Opposition. We cannot, I declare, proceed to our satisfaction; we cannot do justice to ourselves and to this Bill, unless we attack the very genesis of it, unless we attack these two central and cardinal points which I have mentioned, namely, the Preamble and clause (c) of the definition of the person to whom the Act applies, without, at the same time, going into matters which are the subject of trial in the Meerut Court, and that being so, I submit that the decision taken by the Government is not sustainable, and that, by allowing this motion, you will be allowing an infringement not only of the right of reasonable debate, but also the principle upon which the very existence of this Assembly and of all deliberative bodies in the world depends. I do not wish to take up the time of the House any more, but I would conclude with the hope that Honourable Members will not look at the mere letter of the rules, but that they will look to the underlying principles and the very basis of representative institutions of this character, and when you do that, there can be no denying the fact that the one principle which underlies all the rules and Standing Orders is that, in every case where the right is not specifically taken away by the rules themselves, or where it is not waived by the person who wants to exercise it, that right cannot be defeated circuitously or in a round about manner, by bringing forward a matter which, on the face of it, or which, when you come to examine it more closely, is not a matter which can be debated upon without, in some way or other, going into facts which are the subject of inquiry or trial in a Law Court. . . .

Mr. K. Ahmed (Raishahi Division: Muhammadan Rural): But none of these 81 accused in the Meerut case are being mentioned in the Bill and its objects and re:

Pandit Motilal Nehru: We are talking of principles now, and we have nothing to do with persons. I submit that, if you act on those principles, you will find that the rules and Standing Orders do not authorise a procedure which would render them nugatory and of no effect whatever. My Honourable friend, the Home Member, may stand up and say "Well, it is the sweet will and pleasure of the Government that this law be passed, I move, Sir"—and he sits down. Well, he is at liberty to do that. What are we to say? We have got to satisfy ourselves, we have to satisfy the House, that this is not a measure to be passed, and therefore, when we stand up and give our reasons, what do we say? We say that it is entirely wrong to say that this Third Communist International has any such objects as are attributed to it, but even assuming that it has some of those objects, it is entirely wrong to say that those objects are in any way being propagated by these persons, because the guilt of these persons can only be an inference from their belonging to certain associations. The whole complaint is, as I have stated, a repetition of what is contained either in the speech of the Honourable the Home Member or in the Bill. I therefore submit, Sir, that it is perfectly within your rights to direct that a further debate on this Bill is impossible, and that being so, the Bill itself cannot be proceeded with.

Sir Darcy Lindsay (Bengal: European): Sir, I thank you for giving me this opportunity for placing before you the views of my Group. I have listened with great attention, Sir, to the weighty words of my Honourable friend, the Pandit, but I have quite failed to appreciate that he has in any way shown the House that the Standing Orders provide for such a course as was indicated, Sir, in the statement which you made to the House a few days ago. I admit, Sir, that the Honourable the Pandit has, at great length, tried to show how a debate might be muzzled, and he has argued as to the underlying intention of the Standing Orders. He also referred to what he terms a real debate. I hope, Sir, he does not wish to infer that the many debates we have had on this subject hitherto have been unreal. . . .

Pandit Motilal Nehru: I said reasonable. I did not say real debate.

Sir Darcy Lindsay: I understood you to use the words "real debate". However, Sir, I do not propose to deal particularly with the question of Standing Orders, because I agree with my friend that there is no Standing Order which grants the power to the Chair that your statement implies that you possess. I would rather deal, Sir, with the powers and rights of the Members of this Assembly. If you will permit me, Sir, I will read some notes which I have put down on this subject as they might be more lucid than extempore speech. I and my Group have carefully considered the statement made by you as to the position likely to be created if there is further discussion on the Public Safety Bill, and are of opinion that action such as is outlined in your statement arrogates to the Chair powers which would deprive the Members of the Assembly of their legitimate rights. As I understand it, you, the President of our House of Assembly, would thereby practically be assuming the position of a dictator, and usurp, if I may say so, the privileges secured to us as Members of the Assembly, by depriving the Members of freedom of action and the fulfilment of their legitimate rights, for the statement indicates that, unless the Government decide to postpone consideration of the Bill pending the Meerut trial or

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withdraw the Meerut case, you may, under the circumstances, not allow Government to proceed further with the Bill at this stage. You particularly refer to Standing Order No. 29, but surely, Sir, this has reference to what may or may not be discussed, and does not debar the further consideration of a measure actually before the House that has been already fully discussed and now emerges from Select Committee for final disposal.

As to whether further discussion is really necessary or will take place, is a matter of conjecture (*Some Honourable Members from the Swarajist Benches*: "No, no"), but it is the duty of the Chair to see that the debate, if any, does not transgress Standing Order No. 29. I say debate, if any, for there may be none, and it is, I maintain, quite competent for you to secure the decision of the House without debate if such a course is considered as under the circumstances desirable. You also, Sir, have full powers under Standing Order 36 to clear the gallery. (Laughter from the Swarajist and Nationalist Benches). All that can be said has already been said, both here and at Simla, and further debate is hardly likely to affect the issue. (*An Honourable Member*: "There are sixty amendments"). I maintain, Sir, it is for the House to decide whether it wishes to proceed with the Bill, and it is not for the Chair to deny to the House the opportunity.

What gives me grave concern is the more serious constitutional question that arises in the possible assumption by the Chair of certain extraordinary powers I claim it does not possess, and in my humble opinion, would be dangerous for it to possess. I submit, with all due deference to the Chair, that the duties and powers of the President are clearly defined, and do not include the stoppage, at the discretion of the Chair, of a part heard motion that is under discussion of the House. To thus limit our powers to legislate is to my mind unthinkable, and you, Sir, are the last person to create so arbitrary a procedure and precedent that might have a far-reaching effect and render the course of Government business impossible and equally so the work of the Assembly.

Is it possible that a measure, once introduced into this House, can be made out of order simply on the grounds that certain individuals have been arrested under the ordinary law, and that the grounds of arrest are similar to the basis of the measure under discussion in this House? If such a contention were admissible, the business of this House could be indefinitely blocked.

Further, the line indicated in your ruling would prevent Government asking for powers, and this House granting or refusing them, to deal with a particular emergency which had previously necessitated arrests. That position has arisen on several occasions in the House of Commons, but the Speaker has never taken the action contemplated in your statement.

Mr. President: Was the point raised there?

Sir Darcy Lindsay: Yes, a similar point, Sir.

An Honourable Member: That is the trouble.

Sir Darcy Lindsay: I further submit that, even if such extraordinary powers were held by the Chair as your statement indicates, and which I cannot admit, the time to exercise the same has past. . . .

Mr. President: Will the Honourable Member give me the references to the House of Commons cases?

Sir Darcy Lindsay: I will.

For the Bill is again before the House and debate thereon has commenced and is proceeding. The full facts of the Meerut case were known to you, Sir, as well as to other Members of the House, and we have all had ample opportunity to examine and study the position. No point of order was raised at the proper time, and I take it, for the very good reason that no point of order arises. . . .

Pandit Motilal Nehru: May I ask the Honourable Member what he considers to be the proper time?

Sir Darcy Lindsay: At the time the motion was moved for consideration. No word was said at that time.

Mr. K. Ahmed: Before Mr. Jayakar started speaking.

Sir Darcy Lindsay: Before Mr. Jayakar started speaking.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): I drew the attention of the House to that point.

Sir Darcy Lindsay: And the debate must in all equity proceed. I can assure, you, Sir, that my Group are as jealous of the rights of the Members of the House as you yourself, or any other Member, and I raise strong protest at any action of the Chair which would, in our opinion, infringe upon our legitimate rights. We have always tried, Sir, to assist you in maintaining the dignity of your high office, and we look to you to exercise the powers that have been given to you with continued wisdom and caution. I respectfully ask you, therefore, to decide so that the Government may proceed with the Bill in the ordinary course and leave to the Members of the House their right to accept or reject it.

Nawab Sir Zulfiqar Ali Khan (East Central Punjab: Muhammadan): I thank you heartily for giving me this opportunity to express not only my own views, but the views of my Group (*An Honourable Member*: "Louder please"), on the controversy which has unfortunately arisen in this House. I have listened very carefully to the very eloquent speech which the Leader of the Swaraj Party has made on this question. I have also very carefully listened to the able exposition of the point by the Honourable Member on my right, and I take this opportunity to say that, although I have very great respect for the Leader of the Opposition, I may state on this occasion he has not shown that legal acumen (Ironical laughter from Congress Benches), that usual clarity which he generally shows on questions before this House. I have come to this House with an open mind, and I wanted to listen to his speech and to the way in which he would deal with it. I must say that I am very much disappointed that he has not convinced the House with regard to the soundness of his arguments.

An Honourable Member: Are you speaking for your Party now?

Nawab Sir Zulfiqar Ali Khan: With regard to the arguments placed before the House by my friend on the right, I agree entirely with what he has said in his speech.

An Honourable Member: Will you repeat them?

Mr. President: Order, order.

Nawab Sir Zulfiqar Ali Khan: The question is confined to two main points. The first is whether, by proceeding with this debate, any real and useful purpose can be served, and the other is, as outlined by you, whether the President has power to intervene to stop the debate. Now, Sir, I think, as we are striving, and I hope the Opposition will entirely agree with me, that we are striving for some greater latitude in the way of democratic Government, it is rather a nice question, a very interesting question, whether the President can intervene to stop the discussion. I think that the very existence of this Assembly depends on the rights which the Constitution gives to the Members of the Assembly. I think that, if the President deprives the Members of the Assembly of the liberty which they enjoy by virtue of that Constitution, although we may have very great regard and very great respect for him, he should be warned that his intervention to stop the debate may not be according to the democratic constitution not only of this Assembly but of others.

Mr. President: That is to say, I should allow the Honourable Members to refer to matters which are *sub judice*?

Nawab Sir Zulfiqar Ali Khan: I will come to that. I have seen many meetings of the different Parliaments in Europe, and I had the good fortune to listen to very heated debates, and I can assure you and my Honourable friends that my conclusion, after seeing those debates and talking to Members of those Assemblies and Parliaments, is that those Members are extremely jealous of the powers which they enjoy under their constitution. Sir, no democratic Assembly can exist if its rights and freedom to talk are curtailed by the President. What is the use of asking for a democratic government, when the President strangles a debate or arbitrarily rules out the wishes of Honourable Members? I cannot imagine that the Home Member can expect that the Members will pass this law, but he has every right to put his measure before the House, and it is for the House to determine whether it shall pass it or not. It is to be debated on the floor of the House, and you, in the capacity of President, have to regulate the proceedings and see whether the Honourable Members transgress their rights or not, but I venture to say that the President has no right to strangle a debate.

Mr. Rafi Ahmad Kidwai (Lucknow and Fyzabad Divisions: Muhammadan Rural): Points of order have to be decided by the House?

Nawab Sir Zulfiqar Ali Khan: Yes. (Laughter.) With regard to the cases which are *sub judice*, I feel that a debate can very well take place here without referring to any of those cases. A score of other conspiracies may be hatching and who knows perhaps more arrests may take place. Are the Government to be prevented from introducing measures to protect the liberties and the lives of the people? We know, Sir, what propaganda the Soviet Government or the Communist Government are spreading all over the world. Every nation and every country in Europe has shut its door against these propagandists. Have we no right in India to shut our doors against them? Are not the Government entitled to protect the lives and the property of the people, especially those who cannot have any voice in the matter? I think it is the duty of the Government to see that such propaganda is not introduced into this country. Sir, with these few words I think the debate must proceed.

Mr. M. R. Jayakar: Sir, I must frankly say that I am to some extent responsible for having started this question before this House. By taking it up as a point of order, you have agreed with the view which was contained in the proposal I made to the Government. No doubt there is this great distinction, that I did not wish to urge my view as a point of order. I merely raised it as a suggestion to the Government, and I am free to confess that, if the Government had then accepted my suggestion, this difficulty would never have arisen and they would have obtained the credit of having acceded to a reasonable suggestion made by the Opposition. There is a considerable amount of common ground between the points raised by you, Sir, in your statement and the view which I submitted to this House, I submit that your view is right. I will not go into all the questions of prejudice which have been raised by the two previous speakers. Whether you assume the role of dictator, or whether the rights of criticism of this House are curtailed are points which, to a hard-headed lawyer like me, are absolutely outside this controversy. If the rules, either expressly, or by necessary implication, give you the power of being a dictator, you must exercise such a power. If such rules permit you, Sir, to decide certain questions arbitrarily, which amounts to an interference with the privileges of this House, you must enjoy that right. I do beseech my Honourable friends not to allow their minds to be obscured or clouded by these *a priori* arguments which do not touch the real question. The only question before the House, and it is a very neat and simple question, is whether your powers, Sir, to exclude the complete consideration of this measure do not arise by necessary implication from the express terms of the Standing Order No. 29.

Sir Darcy Lindsay: We do not want implication. We want the rule.

Mr. M. R. Jayakar: My Honourable friend forgets that powers can arise by necessary implication. I propose to show, very clearly, that to introduce this measure at this stage in this House, is to introduce it at a time when we cannot have any adequate or real debate. It is impossible to have any real or adequate debate on this question if it is allowed to be debated at this time, and if so, I do submit that the President must have the power of excluding the Bill, because it carries out, by necessary implication, the principle of Standing Order 29. He will be compelled to stop the debate when he finds that it cannot proceed without infringing the provisions of Standing Order 29 every second minute. In fact the whole debate will have to be carried on in such a manner that you, Sir, will have to prevent every reference to facts which are most material to the debate, and I do submit that, in these circumstances, the President must enjoy the power which no doubt he will exercise with great restraint and discretion to withdraw from an illusory debate of this House the entire measure. Now, Sir, on the point whether a real debate can be carried on, on this particular Bill without going into matters which are *sub judice*, I shall state my views very briefly, and I have no doubt that Honourable Members, who review this question with dispassionate care, will have no difficulty in agreeing with me, that out of the 6 points which are *sub judice*, at least four cannot be considered without infringing the provisions of Standing Order 29. If that is so, I take the liberty of stating that a debate of that restricted character is an illusory debate, and no debate at all. I will now state the important points which are *sub judice*.

The prosecution in the Meccut case will have to prove, Sir, that there is an organisation in Russia called the Third International. I hope the

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House will follow my analysis very carefully, because a great deal of the strength of my argument lies on its critical perception. The prosecution will first have to prove in the Meerut trial, whenever it takes place, that there is an organisation in Russia called the Third International. That is point No. 1.

The prosecution will also have to prove that this Third International organisation is aiming at the overthrow of established Governments all over the world. That is point No. 2.

They will also have to prove that this organisation carries on propaganda in India. That is the third link in the chain.

They will further have to prove that there is a widespread conspiracy in this country to further the aims of this Third International. That is point No. 4.

Then two special points arise in this prosecution with reference to the accused before the Court, which I would call points Nos. 5 and 6, namely, whether carrying on communistic propaganda and activities amounts to an offence under section 121-A of the Indian Penal Code. I call it a special point arising before that Tribunal because we in this House are not concerned with it in the Debate on the Public Safety Bill. And, lastly, the point before that Tribunal will be whether the accused are members of that conspiracy, and, if so, whether they are guilty, under section 121-A of the Indian Penal Code. Honourable Members will, therefore, notice that, stated in this brief analysis, out of the six points which the Tribunal at Meerut will have to consider, four are intimately connected with the Public Safety Bill. That fact cannot be denied. The first four are the points which are involved in any real debate on the Public Safety Bill. Whatever our opinion may be about the Public Safety Bill, it is perfectly clear that, if we are now proceeding to discuss the merits of that Bill, the first four points we cannot touch. We cannot be allowed to go into the question whether an organisation in Russia exists called the Third International. That we cannot touch. Likewise we will not be allowed to touch the question whether that organisation is aiming at the overthrow of the established Government, nor can we touch the question whether they are carrying on propaganda in India. And, lastly, we cannot touch the question whether there is a widespread conspiracy in this country to further the aims of that organisation. We cannot deny that these four points are the most important points which the Meerut Tribunal will have to determine. It cannot also be denied that these four points are also the most important points in the Public Safety Bill. (Interruption by Mr. K. Ahmed.) I want to argue my case point by point without interruption, and it is not my fault that the Honourable Member who just interrupted me cannot follow the point. He will be largely benefited, if he listens in silence. It is perfectly clear that, out of the six points four points are *sub judice*. If it is so, I do submit for the consideration of my Honourable friends, that any debate on the Bill, having regard to the provisions of Standing Order 29, and the possibility of their strict enforcement. —I am assuming that you will, Sir, insist upon the strict enforcement of the provisions of that Order and therefore you will have to call to order every speaker the moment he touches any of these four points—, will be absolutely infructuous, illusory and futile. I am sure that I am right in

the interpretation of this Standing Order, and I am very glad to find that the Honourable the Home Member admits the point in his statement. Let us look at his statement. He says:

"As I have already indicated, the Government will give every assistance to the President in ensuring that on their part the rule which prohibits reference to matters of fact on which a judicial decision is pending is not violated."

May I ask the Honourable the Home Member, if the President of this body should be so inclined as to strictly enforce the Standing Order 29, and the Government agree to help him to do so, what happens to the debate? Nothing substantial remains in the debate. It is a purely fictitious one. If the Government agree that Standing Order 29 entitles the President to prevent any discussion of points which are the subject-matter of the judicial decision, and if I am right in my analysis of these points which I mentioned a few minutes ago, then I submit, that the debate will be reduced to an absolute farce. We shall not be at liberty to consider these very important points involved in the merits of the Bill.

My point therefore is this—and that is, after all, the essence of the question before this House—that Standing Order 29 will have to be violated every second minute if we want to have a proper debate. If so, it comes very near the question whether, as the Honourable the Leader of the Opposition has argued, and I do not wish to cover that ground once more, you have the power, Sir, of preventing a contingency which has the effect of infringing the right of reasonable debate in this House. This is the power which I am certain the Presidents of all such bodies enjoy all over the world and, in the case before us, this power arises by direct and necessary implication from Standing Order 29. Honourable Members will bear in mind that ours is a very infant body, and we have had no time in our constitutional development to consider all the little details which arise under the doctrine of necessary implication. I am free to admit that my research into this question has not enabled me to find any Standing Order which expressly lays down that the President has that power. Perhaps my other friends, speaking after me, will be able to point out such a rule if it exists. But I say that the power does necessarily arise out of Standing Order 29, and I support my argument by saying that an infant constitution such as we have, has to be considered and interpreted in a very liberal spirit. If we were an old body like the British House of Commons, which has had more than 200 years to elaborate its constitution, so that every little contingency is foreseen and is provided for, and if in our constitution, this particular power did not exist, then it would have been a very strong argument against its exercise. But having regard to the fact that this body is not even ten years old, and also having regard to the fact that we are creating liberal conventions in this House, which must of necessity arise in the nature of implications from Standing Order 29, I do submit that it is a proper convention to be raised that, when the President finds, in the exercise of his proper discretion, that the debate must necessarily amount to a deprivation of the power of this House of having a real debate, then he must be the sole judge in the matter of allowing or disallowing such a debate. I assume that our President will be always so fair-minded and impartial that he will exercise his mind on this question with great fairness and foresight. If we wish to carry out, in their letter and spirit, the provisions of Standing Order 29, then the powers of the President must be extended. I have not been able to

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find out, during the short time at my disposal, whether such a power exists in other constitutions or not, but this is besides my present argument. The principle is clearly indicated in Standing Order 29. I agree with the view of the Honourable the Home Member, which he has stated in his statement, namely, that Standing Order 29 by the force of its terminology is confined to the regulation of the debate. That is perfectly correct, but what is the good of regulating the debate, if the regulation means that the President must silence every speaker every second minute? That is the point which we have to consider, if the enforcement of Standing Order 29 means that the debate will necessarily be carried on in an atmosphere where the President will have to stop practically every relevant speaker. He need not, of course, stop speakers like Mr. Kabeer-ud-din Ahmed (Laughter), who irrelevantly interrupts every relevant speaker, but if a speaker speaks relevantly he will have to stop him every second minute.

Mr. K. Ahmed: You are setting the example!

Mr. M. R. Jayakar: If that is the effect of enforcing Standing Order 29, and if that is the atmosphere of the debate—and at present there is such an atmosphere in which the debate will have to be carried out on both sides

Mr. K. Ahmed: On your side.

Mr. M. R. Jayakar: Apparently the Honourable Member has not read the Bill, else he would not talk with such ignorance. If that is the atmosphere in which the debate has to be carried on, I do submit, in all confidence, that the case is perilously near what my Honourable friend, Pandit Motilal Nehru, described as an infringement of the right of reasonable debate of this House, and I do submit that, instead of being carried away by catchwords such as "the liberty of the House", "the rights of the House", let us be regulated in our decision by common sense. If the liberty of the House has to be preserved, in the matter of free debate, I do submit it would be futile to deny the Honourable President such a right. If we have convinced ourselves that the debate will have to be carried on in such an atmosphere that it will be impossible for any speaker who knows the law of relevancy and wishes to talk sense, to refer to important aspects of this Bill without infringing the provisions of Standing Order 29, then it is better that the Bill should be withdrawn from an illusory debate.

There is one more matter which I wish to mention. One of the issues before the Meerut Tribunal will be whether the carrying on of the propaganda of the Third International, by stirring up trade disputes and industrial troubles, amounts to an offence in British India, under the Penal Code. Now let us look at that question. This Bill makes it an offence for the first time.

The Honourable Mr. J. Ozerar: No, Sir, it is not an offence.

Mr. M. R. Jayakar: Under 3 (b) it is an offence. It is made punishable:

"Whoever seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the object, directly or indirectly, of subverting by force or violence organised government, etc."

The Honourable Mr. J. Ozerar: I must point out that the Bill does not make that an offence.

Mr. M. R. Jayakar: It makes it an offence that whoever is guilty of such activity comes within the clause which makes him liable to be deported. I therefore maintain that it does make it an offence, because it makes a man punishable. The Bill says, whoever does this particular act, is a person to whom the Act applies, which means, in other words, that such a person is to be deported under certain contingencies.

Colonel J. D. Crawford (Bengal: European): You have no right to make it an offence.

Mr. M. R. Jayakar: "Whoever seeks to foment, etc." This is made punishable under this Act, and I venture to submit that such activity is made punishable for the first time by this Act. Then the point arises, although it may not look like *sub judice*, whether this House, at this stage enacting that raising such industrial disputes for certain purposes is punishable, whether this fact alone is not likely to reflect to that extent on questions 4 and 5, as stated above, which will arise in the Meerut trial. Is it not likely to reflect, somewhat remotely it may be, on the important question which is before that Tribunal, whether, in propagating Bolshevik views, the accused have committed an offence in British India? I do submit, therefore, that, the two questions being in a sense allied, our decision here will reflect, however remotely, on the issue in the trial. I do submit that this is an important view which this House will bear in mind.

One point was urged, that the Bill had been before this House twice before, therefore the debate may proceed, however illusory it may be. The obvious answer is, that when the Bill was previously before the House, there was no question of *sub judice* matters, there was no Meerut trial then. The Bill came before us in a clean atmosphere. I think this is no argument at all, unless those who advance it go further and say, that, having regard to the fact that the Bill had been before the House twice before, the provisions of Standing Order 29 should be suspended. If that is the argument, I can understand it, but obviously the argument cannot proceed so far. If so, it is perfectly clear that, so long as the debate on this Bill is regulated by Standing Order 29, the Bill will be debated in an atmosphere where no real debate is possible. If so, the inherent right of this House to have a free atmosphere for debate will be curtailed.

Under such circumstances, I submit, Sir, that the President must have the right of preventing such an illusory debate, if necessary, by withdrawing the entire Bill from its operation.

The Honourable Sir Brojendra Mitter (Law Member): Sir, the learned and ingenious arguments of my friends, Messrs. Nehru and Jayakar, have relieved me of much of the anxiety with which I was oppressed when I first came in. I feared I would have to meet formidable arguments, but what I have listened to is mere sophistry.

I will take the Honourable Pandit at his word, that you are not to take these rules and Standing Orders in their letter, but to take them in their spirit. Let us take them in their spirit. Let us also

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take the expression "reasonable debate" in the true spirit. What is the foundation of a reasonable debate? That all facts and arguments, which ought to be considered before you come to a conclusion, should have been canvassed. That is a reasonable debate. With regard to the Public Safety Bill, can any one conscientiously say there has not been a reasonable debate, that all the facts have not been previously traversed?

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): The question is whether there should be a reasonable debate on the question before the House, namely the motion that the Bill as reported by the Select Committee be taken into consideration. A reasonable debate on that motion is the question in issue. Not any past debate.

The Honourable Sir Brojendra Mitter: I am looking to the spirit of the expression "reasonable debate", and not to the letter of that expression in any particular. (Laughter.) ("Hear, hear" from the Official Benches.) What I say is this, that so far as the provisions of the Public Safety Bill are concerned, there has been a full and exhaustive debate already.

Several Honourable Members: Question.

The Honourable Sir Brojendra Mitter: So far as the provisions of the Bill are concerned, we all know that all the facts and the circumstances, and all the arguments, *pros* and *cons* have been canvassed by this House.

Several Honourable Members: No, no.

The Honourable Sir Brojendra Mitter: In two sessions.

Several Honourable Members: No, no.

Mr. President: Order, order.

The Honourable Sir Brojendra Mitter: At the Simla session, it was this very House which discussed the matter on the floor of this House; it was discussed in the Select Committee; and, again, when it came out of the Select Committee, it was discussed in this House. This session, when it was referred to a Select Committee, it was discussed again and then again in that Committee.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): What about the sixty and odd amendments to the Bill?

The Honourable Sir Brojendra Mitter: The provisions of the Bill have been fully discussed on its introduction here. What I say is this, that if you are to look at the spirit of the expression "reasonable debate", that "reasonable debate" has taken place.

Several Honourable Members: Question.

The Honourable Sir Brojendra Mitter: There are no new facts, there are no new circumstances, there are no new arguments, which are necessary to be adduced, either in support of the Bill or in opposition to the Bill. (Hear, hear.)

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Several Honourable Members: No, no.

Mr. A. Rangaswami Iyengar: Why not gag us?

The Honourable Sir Brojendra Mitter: Am I speaking or the whole House speaking? Let me take the Honourable Pandit's arguments now. I am not surprised that the Honourable Pandit has not touched upon the second question formulated by you, that is the power of the Chair.

Pandit Motilal Nehru: I began with it.

The Honourable Sir Brojendra Mitter: I am not surprised, because as the Leader of the Party which proposes to be genuinely opposed to all arbitrary power, he would not lightly surrender the rights of this House even to you, Sir.

Pandit Motilal Nehru: I spent nearly half an hour on this subject.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): He must have been sleeping then.

The Honourable Sir Brojendra Mitter: Now, the question is that, on the present occasion, it may be that we are somewhat handicapped in referring to matters which have already been discussed *ad nauseam*. We may be handicapped at the present moment, for Standing Order 29 comes in the way. ("Hear, hear" and Cheers from the Swarajist Benches.)

An Honourable Member: That is a very great handicap.

Mr. M. R. Jayakar: It is only a question of degree.

The Honourable Sir Brojendra Mitter: I am coming to that. I am not disputing the fact that there may be certain common factors between the Meerut case and the grounds upon which this Bill is founded. (Hear, hear.) But those common factors are not new. Those common factors have been discussed.

Mr. Jamnadas M. Mehta: But the Meerut trial has come in only now. How could that have been discussed already?

The Honourable Sir Brojendra Mitter: These common factors have been discussed. This is what the Pandit says. I have taken down as closely as I can his own words and if I am wrong the Honourable Pandit will correct me. He said, "In this case there cannot be any reasonable debate because the facts of the petition or the complaint are identical with the reasons on which the Bill is based". This is substantially what the Honourable Pandit said. And that must necessarily be the case to some extent. When there is widespread crime, it must be necessarily so. If there is a recrudescence of crime on a wide scale and the Government find that the existing laws are not sufficient to cope with that situation they have to come to the Legislature when some people are necessarily under arrest, under the ordinary law or are being tried. Government have to come before the Legislature for further powers, whenever such an emergent situation arises. The situation must arise when some people are under arrest and trial, and upon the basis of their crimes or similar crimes, further powers are wanted. If you deny the Government the right to come to the Legislature or the Legislature the power to legislate,

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or to deal with the emergent situation, upon the objection raised by the Honourable Pandit, it will paralyse the hands of the Government, will paralyse the hands of the Legislature to deal with the emergent situation. (Applause.) That shows the inherent unsoundness of the Pandit's theoretical proposition. As a matter of fact, I dare say that some of the speakers, who will follow me, will give you illustrations from England. There has been legislation in such circumstances.

Mr. A. Rangaswami Iyengar: Oh! Yes, why not.

The Honourable Sir Brojendra Mitter: I don't hear. What is it?

Mr. President: Never mind. The Honourable Member might go on.

The Honourable Sir Brojendra Mitter: Some of the speakers who will follow me will probably give you illustrations. I have not got them handy at the moment. If you ask me for a reference, I cannot give it to you at the moment. But what I say is this; that similar situations have arisen in England.

An Honourable Member: When?

The Honourable Sir Brojendra Mitter: I am not going into details. I have said so and other speakers will give the references.

Mr. President: The Honourable Member will do well to ignore these interruptions.

The Honourable Sir Brojendra Mitter: I am new to this House. (Laughter.)

Mr. President: I hope the Honourable Member will be allowed to proceed in his own way.

Mr. K. Ahmed: The Honourable Member will get familiar by and by.

The Honourable Sir Brojendra Mitter: What I say is that occasions have arisen when, during the recrudescence of crime of any particular kind when people are actually under arrest and under trial, Government have gone before the Legislature for further powers to deal with the particular species of crime. In such cases, certain common factors must necessarily exist between the crimes already committed, which are under adjudication of Courts of Law and the grounds upon which further powers are claimed.

The next point of the Honourable Pandit is this. I have already made my submission as regards the genuineness of the debate. There has been a genuine debate, all the facts, arguments and everything have been placed before the House. All that is necessary now, so far as the Government are concerned, is to state such facts, or make such statements, or advance such arguments as may not transgress Standing Order 29, which is the easiest thing possible. I can now, if I were called upon to make an hour's speech on the second reading of the Bill, easily do that without transgressing a single provision of the Standing Order 29, and at the same time be relevant all the way through. (Hear, hear.) That is the easiest thing in the world. Supposing, by reason of the handicap, we cannot place those facts fully before the House, which have already been placed before the House, supposing it is a handicap, it is our risk, because the House

may very well say, "We have not had a reasonable debate on this occasion. Although we know all about it, you have failed to convince us of the necessity of this measure." But that is our risk.

Mr. President: I am very unwilling to interrupt the Honourable Member, but will he kindly state the position of the Government as to whether they claim that they are entitled to ask the Chair to put a motion, although there has been no debate on the motion, as such debate is impossible.

The Honourable Sir Brojendra Mitter: I am not suggesting that for a single moment. (Hear, hear.) My contention is based on reasonable debate. If it is capable of reasonable debate, then I maintain that it will be your duty to put the question before the House. "Reasonable" is a relative term. Having regard to what has gone before, the Bill is capable of a reasonable debate.

Now, Sir, I wish to say one word with reference to the connection between the Bill and the Meerut prosecution. Sir, it is well known that the object of the Bill, as is the object of every legislative measure, is to make provision for the future. The object of the prosecution is to apply the existing law to the individuals involved in it. That is the fundamental difference between legislative action and a prosecution. What the Government are asking for is this, give us these further powers to deal with future contingencies, but that has nothing whatsoever to do with what has happened before.

Mr. President: On what basis?

The Honourable Sir Brojendra Mitter: On the basis of apprehended danger. Danger is apprehended. We are creating no new offence. All that we say is this: we apprehend danger, the nature and extent of which are fully known to every Member of this House, who has either listened to or read the previous debates. We are coming before this House to say that, in the light of these facts, which are already before the Members of the House, a danger is reasonably apprehended. We want to guard against that danger, and we want some powers in order to meet the situation if and when it arises. That is the position of the Government. We are not therefore in the least concerned, in the matter of this Bill, with any of the thirty one persons who are before the Meerut Court.

Diwan Chaman Lal: What is the danger?

The Honourable Sir Brojendra Mitter: I have been advised by the Chair to ignore all interruptions.

Mr. President: Excepting those from the Chair!

The Honourable Sir Brojendra Mitter: Then, Sir, I come to my learned friend Mr. Jayakar. He said, and I did not expect otherwise, he said, quite frankly, that there is no express power given to the Chair. But his argument was this—I have taken down his very words: "The President must have the power, by virtue of the provisions of Standing Order 29, in order to have a reasonable debate." That is to say, there is no express power, but the implication is that the President has the power. That is his argument. My answer to that is very simple. It is this; that this Assembly as well as you, Sir, are creatures of statute. We are not here like the House of Commons which has grown through centuries. We are not that at all.

Mr. President: Those precedents do not apply here!

The Honourable Sir Brojendra Mitter: Those precedents have no direct application here at all, none whatsoever. When we talk of residuary powers, inherent powers and things of that sort, they may very well apply to a body like the House of Commons which has got a law and a custom of its own.

Mr. M. R. Jayakar: May I ask my Honourable friend one question? The High Courts are creatures of statutes; and do they not get the same residuary powers, inherent powers, etc., which the Supreme Court in England enjoys?

The Honourable Sir Brojendra Mitter: There is express statutory provision in the Civil Procedure Code and the Criminal Procedure Code, and they come under the category of powers expressly given. Sir, what I am submitting is this. With reference to a body like the Legislative Assembly, which is a creature of statute, all its powers are confined within the four corners of the statute creating it. You may not stray one hair's breadth. When I say the four corners of the statute, I include, of course, the Rules and Standing Orders made under the statute. You may not stray one hair's breadth from the four corners of the statute, and the rules and orders made thereunder. Therefore, there is no such thing as a power by implication in so far as a creature of statute is concerned. Sir, in this connection, I shall read a passage from a well-known book. "The Procedure of the House of Commons" by Redlich. In dealing with the powers of the Speaker, . . .

Mr. President: It has no application here!

The Honourable Sir Brojendra Mitter: No application; no particular order or particular rule of the House of Commons may apply here, but I am quoting an extract wherein the principles underlying those powers of the Speaker are discussed. I suppose the principles can be referred to as a guide. If you object to my referring to the principles upon which the Speaker's powers are based, then I shall not quote it.

Mr. President: Do not take those remarks so seriously. (Laughter.)

The Honourable Sir Brojendra Mitter: Sir, I shall not quote it; but I shall tell you the gist of it. The gist is this: that where a new point of order arises for which there is no express provision or express precedent, then it is not for the Speaker, but for the House to determine it. That is the principle. (Interruption.) It is quite relevant in the present case notwithstanding the interruption of my Honourable friends. It is contained in page 148 of Volume II of Redlich's book.

Honourable Members: Read it, please.

The Honourable Sir Brojendra Mitter: Well, Sir, I am in your hands.

Mr. President: I should be prepared to hear it myself. I shall be surprised to learn that the Speaker has got to leave the House to decide a new question. Because that is news to me.

The Honourable Sir Brojendra Mitter: This is the passage, Sir:

"Of great importance too are his functions upon a division. He alone puts the question to the House . . . His powers"

—that is the Speaker's powers—

"In relation to the debates have never been looked upon as entitling him to express or enforce any completely new or purely personal opinion as to what is on principle allowable in debate or otherwise. The conception lying at the root of the English Parliamentary law is this, that the rules and the law deducible from the precedents in the journals and from traditional usage are reins by which the action of the House is to be kept in form and order, and that the Speaker is the person who, with firm and cautious hand, is to hold and use them for guiding the House on the lines which have been handed down. It is no part of his office to consider how he may use his power, to devise new reins or bridle for the House. The guiding principle is that the Speaker is not the master of the House, but its representative, its leader and authoritative counsellor in all matters of form and procedure."

Then it goes on:

"It is his duty to see that they are obeyed, to explain and apply them"

—that is the rules and orders—

"In principle, the supreme authority of the House is retained; it is clear enough from an express order, made so long ago as 1604, that, when precedents are not conclusive, the Speaker is to lay the matter before the House for decision."

That has been the case whenever a new situation arose. My point shortly is this: that when a new situation arises for which no express provision has been made in any rule or Standing Order, it is for the House to decide on the question, and not for the Chair. The Chair, so far as the House of Commons is concerned, only decides such questions as have precedents but so far as our House is concerned, we are an infant body, we have got a few precedents of our own and we have got our own rules and Standing Orders. If our rules and Standing Orders do not cover the point, in that case, my submission is that you, Sir, ought to leave the House to decide it.

Mr. President: Ought to or bound to?

The Honourable Sir Brojendra Mitter: As I read it, the House is the repository of its own procedure.

Mr. President: I should like the Honourable Member to make the position quite clear as to whether the Chair is bound to do it.

The Honourable Sir Brojendra Mitter: I think the Chair is bound. That is the position. I maintain. Then, Sir, my answer to my learned friend, Mr. Jayakar, is this. Mr. Jayakar's point really comes to this, that since the President is invested with powers to regulate the debate, he ought to have the power to decide a matter like this. Logically it boils down to this. Sir, it is a far cry from the President having the power, to the position that the President ought to have the power. That is the distinction to which I draw your attention.

Then the last point which my learned friend, Mr. Jayakar, made was that this Bill is creating a new offence. Probably Mr. Jayakar has not closely scanned the provisions of the Bill. If he does so, he will find that, when there is a person to whom this Act would apply, he may be served with a removal order . . .

Mr. M. R. Jayakar: Is not such an order a form of punishment?

The Honourable Sir Brojendra Mitter: No, Sir, that is not punishment.

Mr. M. R. Jayakar: This is a matter of opinion.

The Honourable Sir Brojendra Mitter: It is a form of mandatory injunction, that you are not to come here but go elsewhere; it is not punishment.

Mr. M. R. Jayakar: What is it then?

The Honourable Sir Brojendra Mitter: He would not be an accused person within the meaning of the Criminal Procedure Code.

Mr. M. R. Jayakar: Is it not a penal provision?

The Honourable Sir Brojendra Mitter: No, Sir, it is not a penal provision; I say it is in the nature of an injunction that a person ought to do a certain thing; he is not an accused person.

Mr. M. R. Jayakar: It is a deportation order to be made in certain contingencies.

The Honourable Sir Brojendra Mitter: Anyhow, Sir, that is my opinion, and I am giving my opinion for what it is worth. It is somewhat irrelevant (Laughter from the Congress Benches) and not very material for the purposes of the present debate, but since the point was raised, I have ventured to express my opinion in the matter. Therefore, Sir, I submit that, on the two points that you formulated, whether it is possible to have a real and reasonable debate on the motion which is before the House, my submission is this: that it is possible to have a real and reasonable debate and furthermore I say that, if you take the words in their spirit, that debate has already taken place; and on the point of the power of the Chair to intervene at this stage, I have made my submission that it is the function of the House, with regard to the specific question that has arisen, and not the function of the Chair.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Mr. President, I have listened with considerable anxiety—I shall not say enlightenment—to the speeches of Sir Darcy Lindsay and of the Honourable the Law Member. I must submit, Sir, that when the latter said he was new to this House, I did feel sympathy for him. I would leave such a matter as this in the hands of the Chair, especially when you, Sir, have had conferences with Speakers of the House of Commons and the Dail, in England and Ireland. You, Sir, have more knowledge of the rules of procedure both in this House, by experience as President of two Assemblies, as well as by conversations with the Speaker of the House of Commons. To many, no doubt, who have got to look at the Rules, the first impressions of one description or another are uninformed. But to me, Sir, who must look at this question severely as a lawyer and as a Member of this Assembly, not swayed by any extraneous considerations, it appears that we must see if there are any legal principles to the contrary in the various appeals which have been made to you. Sir Darcy Lindsay, who acted Mussolini for the time being, said, you were a dictator or sought to be a dictator. I am afraid that rule 15 of the Legislative Rules, which says that the President shall decide all points of order which may arise, and that his decision shall be final, confers, to the extent to which it goes, real dictatorship in conferring that discretion upon the President. A point of order is what appears to the Chair as a point of order, with such assistance as it may get either from any counsel that might have been provided for it or from the Members of

the Assembly, from books of reference, or from experience. I cannot understand how the Chair has no jurisdiction to decide right as well as wrong, as the phrase goes. The jurisdiction of the Chair is undisputed and indisputable within the limits and within the areas which no doubt are now circumscribed to questions of order, questions of procedure and questions of advice even, which have got to be given, as I can easily show by referring to passages in May under that head. It appears to me that the whole of this debate is a misconception. In the first place it is assumed that, in the case of Bills, a different procedure obtains from the one which obtains in the case of questions, Resolutions and motions for adjournment. I say "No". The familiar principle, which is stated in May, is that, "Matters which are under adjudication in a Court of Law should not be brought forward in debate." That principle runs through all the categories of legislative business, whether the business is brought forward by means of a question, by a Resolution, or by a motion, or by means of a Bill. That fundamental principle cannot be infringed simply by saying that we have here a Bill. But, Sir, even in the case of Bills, there is admittedly Standing Order 29. My Honourable and learned friend says, "Show me the express rule which says that, in the case of Bills dealing with matters *sub judice* in a Court of Law, the Chair has got the right to say that the Bill shall not be taken up." I submit, Sir, no Government would bring a Bill of that description on matters which are *sub judice* in a Court of Law. Nobody can take advantage of his own wrong—much less the Government. No Government would first of all start a prosecution in order to stifle the freedom of debate in this House nor take advantage of the provisions of Standing Order 29 and then say, "Well, we have brought a prosecution there and therefore you, Members of the Opposition, have no right to refer to all those matters which you would otherwise have been at liberty to refer to; we do not propose to refer to them because we have voting strength at our back." It is a very familiar principle that no man can take advantage of his own wrong. It may be a very straightforward course which the Government has adopted in starting this prosecution, and that perhaps shows that the present law is sufficient, but that is another matter. It is obvious that the proposed procedure is calculated to deprive this Assembly, which was seized of a Bill of this description, of its right of debate. The Government themselves, having been in charge of this Bill, cannot start a prosecution and make all these matters, which are so vital to the consideration of this Bill, *sub judice*, and then prevent largely, if not totally destroy, the freedom of speech which is conferred by the statute itself, apart from the Rules and Standing Orders. Nor can they say, "Well, I will simply say, 'Sir, I move', and the Opposition should say 'I oppose' and then the closure will be applied and the Bill will be put to the vote"—a very reasonable debate has indeed taken place and the right of speech is fully exercised! (Laughter.) My Honourable and learned friend said he could make a speech for one hour upon this Bill without going into any of those obnoxious matters. He has not made such a speech as that; when he comes to make such a speech, I shall then be able to see whether he could make a speech of that description. He said he could make it very relevant. It may be relevant in his own view, but it will be wholly irrelevant and it must consist largely of repetitions if he is to go on for one hour. I submit, Sir, that the point which we have specially to consider is a very simple and straightforward point; there is no

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necessity for heat or excitement in connection with this question. I do not consider this as any very crucial question. It is a very ordinary, plain question.

Mr. K. Ahmed: Why did you not object then?

Mr. S. Srinivasa Iyengar: I will deal with that at once and I will deal with it purely as a lawyer. My Honourable and learned friend, Mr. K. Ahmed, asks me, "Did you raise the objection?" I say this, Sir, my Honourable and learned friend, the Law Member, when he made the motion, referred to some legal points, and he said the object of this Bill, as it emerged from Select Committee, was to remove British communists from India. He was not in charge of the Bill and it happened that the Honourable the Home Member was prevented by illness from moving it the other day. He did not therefore deal with the facts; but I submit, Sir, that technicality is met by technicality; it is only when opposition to the Bill is raised that the Chair is bound to go into this question. It is only when my Honourable and learned friend, Mr. Jayakar, raised the point and when my friend Mr. Jogiah wanted to move his amendment that the question for the consideration of the Chair arose.

I P.M. Supposing, for instance, a Member in charge of a Bill moves, and the whole House agrees without any opposition. That may be a different question. Therefore, Sir, the Chair was perfectly justified in listening to the speech of the Honourable the Law Member before ascertaining whether there was any opposition to the motion. Upon that only the duty of the Chair, in my judgment, arose, and therefore the objection which is raised in the Honourable the Home Member's statement is wholly unfounded.—I shall not say frivolous to use the felicitous language of the Honourable the Law Member on another occasion.

The Honourable Sir Brojendra Mitter: Not on this occasion?

Mr. S. Srinivasa Iyengar: I mean on another occasion. That does not matter, we are all lawyers. (Laughter.) Mr. President, my submission is, there are two or three well established rules. What is new in the instance may still be governed by an old well-established principle, the principle which is derived by analogy was applied, for instance, in the Tagore case by a very eminent Judge, Mr. Justice Willes. He said there was no express principle of Hindu law applicable, but the principle was in the law of gifts perfectly well established and was by analogy applied to the will in the Tagore case. We must, in the case of Bills, apply by analogy the principle which applies to questions, motions and Resolutions. Therefore, what applies to Resolutions, what applies to motions for adjournment, I say, applies equally to Bills, and if there is any doubt upon that matter, that doubt is completely removed by the fact that the general procedure, including the procedure relating to Bills, is mentioned in Standing Order 29. Analogy is a well established head not only of exposition but of ascertaining law—and no lawyer worth his salt would ever say that a rule deduced correctly by analogy is not to be applied. Take, for instance, a Bill. The Honourable the Law Member or the Honourable the Home Member introduces a Bill dealing with particular accused persons, or say with a particular case itself, saying that such and such persons shall be held to be guilty of such and such an

offence and shall be held to have been parties to such and such a conspiracy. It is perfectly open to bring in a specific Bill limited to a particular case of that description. But can it be said that, when the principle of the Bill is a matter pending adjudication before a Court of Law, the question can be brought forward in a debate on a Bill dealing with the very persons whose guilt or innocence has yet to be proved? My Honourable and learned friend on the other side must readily concede that such a Bill

Mr. President: Order, order. I am afraid I must adjourn at this stage. Today being Friday I must adjourn early.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. S. Srinivasa Iyengar: Mr. President, I was putting the case of a Bill which directly dealt with matters *sub judice*, with the criminal liability of certain persons who were brought for trial before a particular Sessions Court. Such a case as that might not arise, but it does not take away the power of the Legislature to pass Bills of that description. Such a case is conceivable, and we have to see whether the rule by way of analogy should or should not apply to Bills. Is it the contention on the other side that such a Bill as that is not open to this objection? In such a case, the Chair will have to rule that the Bill is out of order. Of course, the proper procedure in such a case is not to say that the House has no power, or that the power of legislation is taken away from the House, but that the proper forms should be complied with. It is a mistake into which Sir Darcy Lindsay fell, into which I find other Members also fell. There is no question of taking away the power of the Legislature. The power of the Legislature exists absolutely, but the whole question is one of procedure. Just as you can say that a Bill has to be put in a particular form, whether it has lapsed or not, whether it is an old Bill or a new Bill, whether the forms of procedure including notices are complied with, similarly you have got to deal with the question whether it deals with matters *sub judice*. It is not that the House is without remedy, or that the Government are without remedy. In such a case though I am not the Law Member advising the Crown and do not like to advise them, my advice to the Government would be that they should suspend the Standing Order 29, which could be appropriately amended by a Resolution of this House, or they could have a special statute passed, tying the hands of the President, saying that without debate, without any speech, it shall be put to the vote. Such things have been done, and will be done time and again in any great crisis justifying such extraordinary procedure. If no such constitutional right of suspension is available by way of an amendment of the Standing Orders or otherwise, or by a special statute *ad hoc*, which might be passed for cases of that description, it goes without saying that the principle I have mentioned, that matters *sub judice* should not be brought up at all in the legislative forum being a matter of universal application, would

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apply. It is a preposterous thing to suggest that what cannot be made the subject of a question, Resolution or motion for adjournment, can directly be made the subject of a Bill. No lawyer can have the hardihood to say that. That is the way to test this question. Therefore, the power does undoubtedly exist. I say the Chair has got the power. It is not as if the rules of business of this House form an exhaustive code. You know that the rules of business are not exhaustive. Supposing there were no rules of business enacted, does it mean that the President cannot lay down the procedure? Therefore the President has got all the rights of the President unless his rights are taken away by express words. My submission is that the power of the Chair on the matter now in question is indisputable. Secondly, I agree with my Honourable friend, Mr. Jayakar, that Standing Order No. 29 necessarily implies this power—it is not only a reasonable implication but it is a necessary implication, for the canon of interpretation, Maxwell, Craies and various other authorities may be referred to. The canon of interpretation is that which must be necessarily implied as if it were enacted in the statute. It is not necessary that you should find the actual words in the section. Sir Darcy Lindsay may say to the contrary as a layman, but surely the lawyer Members ought to know that it is a perfectly familiar canon of interpretation, namely, that where, owing to some lacuna the Legislature meant one thing and has not expressed itself with sufficient clearness, the rule of necessary implication does enable the Court to say that, though the Legislature has not expressed itself in words, but it is plain it meant it; the rule stands as if it is enacted. Therefore, when Standing Order 29 says that a Member, while speaking, shall not refer to any matter of fact on which a judicial decision is pending, it is necessarily implied that no Bill can be brought forward on which any Member in the House can refer to matters of fact which are necessary for that Bill by reason that on those matters a judicial decision is pending. It is the plain duty of the House, it is not only the right of the Chair—I am for the privileges of the House, I am for the privileges of the opposition which form an important element in this House—I say it is the duty of the Chair to say that if a debate cannot be had, if a just debate, a reasonable debate, just to the opposition, just to the minorities, just to all the sections of the House cannot be had in this House without infringing such a rule as that, a measure, the direct effect of which is to infringe this rule is obnoxious to rule 29. It is open to us not to say anything but to vote as we are ordered to. But I submit that every Member has the right to convert other Members to his point of view, and he has got the right to persuade people in that manner. Though it may not occur as a matter of fact, still I must proceed on the theory, the legislative theory, that Honourable Members are persons that may be persuaded to one's point of view. Therefore, it is a fallacious argument to say: "we can argue this Bill without referring to anything whatever". So you can. You can refer to ancient history, mediæval times and fifty other things, all irrelevant matters and say you must pass this Bill. My submission is it is necessarily implied that a Bill which raises such matters which are *sub judice* is like a speech out of order.

The third ground of the jurisdiction of the Chair is this. I have dealt with the rule of analogy. The second is the necessary implication derived from Standing Order 29, and the third is

The Honourable Sir Brojendra Mitter: Does my Honourable friend seriously mean to say that you can confer jurisdiction by analogy?

Mr. S. Srinivasa Iyengar: What else do I mean? I do not mean jurisdiction of a Court of Law. When you use the word "jurisdiction", you use it in the wide elastic meaning which means power. Jurisdiction is not jurisdiction to try and to hang a person. I do not know what my Honourable friend means. But he is new to the House. (Laughter.) Mr. President, the third ground is the power, or jurisdiction in its extended sense, not in the sense of jurisdiction of Court of record or a Court of limited jurisdiction but jurisdiction in the sense of power—I say that that jurisdiction is the inherent jurisdiction of the Chair. The rules do not cover every conceivable case. I submit there is plenty of precedent both in the House of Commons and in this very House. I will refer to what was done with the consent and approval of every one in the last Delhi session of the Assembly.

Mr. K. Ahmed: You are going beyond your implication?

Mr. S. Srinivasa Iyengar: I wish there was one rule of business at least which put a closure upon my Honourable friend. (Laughter.) The case I am referring to is the case of the Gold Standard and Reserve Bank Bill. The then Finance Member, Sir Basil Blackett, proceeded up to clause 8 or so, and then he said he would not proceed further with the Bill and stopped the whole thing. Then he chose to bring in a new Bill. There was not a single provision in the Manual of Business to cover a case like that. You may ransack the four corners of the rules and there is nothing in the rules to cover that case. You, Sir, if I may say so, with all respect, ruled very properly on that occasion and there were plenty of English precedents to justify your ruling. You then pointed out this. I am reading from the debates of the Legislative Assembly of the 1st February 1928, page 73:

"The question raised has, in my opinion two aspects. The first is whether the method adopted by the Finance Member in dealing with the Reserve Bank Bill in the Assembly so violates the proprieties of the House as to constitute it an abuse of its forms and procedure. The second is whether the new Bill, in so far as it provides for a Shareholders' Bank as against the decision of the Assembly in favour of a State Bank is not barred by the rule of repetition contained in Standing Order 31 of the Manual."

Coming to the first point, the Chair, after reviewing the history of the case, ruled that the new Bill, which was sought to be introduced, could not be introduced. That is a conclusive demonstration of the fact that the Chair has got inherent powers not to be discovered within the letter of the various Standing Orders and legislative rules. If in one case you make an exception and say that the inherent power does exist, then it is obvious.

Mr. President: Two wrongs do not make one right.

Mr. S. Srinivasa Iyengar: Three wrongs do not make one right and this is the third wrong. I am simply dealing with this matter as a Member of the Assembly, who takes some interest in its proceedings, and who is anxious that the Chair should not trespass upon the privileges of the House, and that the Chair should not arrogate to itself the functions which do not properly belong to it. Equally I hold that the House and the Members of the House should not trespass upon the rights and duties of the Chair. I am anxious that Government should have its right as well as the other Members. On these three grounds, the principle by way of analogy, the

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principle by way of implication, and lastly and above all, this inherent power, the power of the Chair is secure and is not disputable.

Then, Sir, I will deal with the other question. I will refer to what Sir John Marriott, who was himself a Member of Parliament, and who has very considerable experience of these matters, said. He says on page 517 of Vol. I: "From the 17th century the Speaker has been at once the servant and Master of the House of Commons". Therefore I say there is no use dealing with these vague generalities. We are business men. We must deal with this particular question. The question is not whether the Chair has got dictatorship. To a certain extent it has, and it is idle to say that the Chair cannot decide these points of order. Of course, the Chair can go wrong. There are appropriate methods to rectify matters if you are dissatisfied with the Chair. The only way in which the Chair can do its duty is to apprise itself as to what is right and proper and do its duty, if I may say so, thoroughly and fearlessly. I do most strongly resent the attempt made to influence the Chair by using expressions like "you have no jurisdiction", "You are a dictator", "you are interfering with the privileges of the House". It is a plain and ordinary question, and I do not see why we should unnecessarily worry ourselves over our privileges, which are wholly unaffected by your ruling.

I will now deal with the admissions made by the other side. Now, can we have a reasonable and just debate on this? By allowing the Bill to proceed, you will be gagging every Member the moment he comes within the provisions of Standing Order 29. The Honourable the Home Member, in his very carefully considered statement, said that the Government did not require to refer to any of the detailed allegations which will be for the adjudication of the Court. What they will have to refer to is the broad allegations and not the detailed allegations. That is all we are concerned with and then the Honourable the Law Member said, and very fairly said, that there are some matters which are common ground between the consideration of this Bill and the case which is proceeding at Meerut. All that he said was that there had been, in the past, a reasonable debate and there was no longer any need for a reasonable debate now. That is a different question altogether. On these two admissions, it appears to me that it is not the case for the Government that the Bill does not touch any of the material facts in the Meerut conspiracy. It seems to me quite clear that some of the important allegations are common to this Bill as well as to the Meerut case, and on that admission, I proceed. Other speakers who preceded me have dealt with the matter at length and therefore I shall confine myself to one question only. It appears to me that there has been an unnecessary confusion of thought in connection with this matter. There are two aspects from which this Bill has to be looked at. One aspect is the necessity or justification for a measure of this description, and the other aspect relates to the detailed provisions of this Bill as to whether they are appropriate provisions to be introduced in it or not. Now, I do not wish to deal with the second aspect of this Bill. I wish to deal only with the first aspect of it. The question is whether it is necessary for the Government or not to show that there is a necessity or justification for a measure of this description. Or whether they can bring forward a measure of this kind without any political or practical necessity by merely imagining that there may be conspiracies in the future? Are they to say "We have had no trouble in the past, and there is absolutely no reason whatsoever to justify

us to anticipate troubles in the future"? We know what the history of the Bill has been. The Honourable the Home Member has made the position perfectly plain in his very able speech, which he delivered on the last occasion, when unfortunately I was not present in the House. And that position is this. There is in India a communist conspiracy to overthrow this Government by force or violence.

Mr. K. Ahmed: You have been to Moscow and you must have seen things there otherwise you would have failed in the discharge of your duties.

Mr. S. Srinivasa Iyengar: Sir George Rainy also referred to this point in his speech on the last occasion and pointed out that it was not always easy to prove in a Court of Law very satisfactorily the existence of a conspiracy. He further contended that they had been trying to collect evidence for the last 18 months or 12 months and as sufficient evidence was not secured they wanted this measure. I agree with him that that is the real reason. The real reason why they wanted this Bill was that they thought there was difficulty in proceeding under the ordinary law. The Honourable the Home Member did resort to ordinary law in the case of the Bombay conspiracy and it was thrown out and therefore they wanted a Bill of this description. The only difference is in the character of the evidence and the remedies. Now, the material facts in issue are in substance the same both in the Meerut case and as to the present Bill. There is alleged to be a communist conspiracy to overthrow the Government established by law in British India by force or violence. In the Meerut case the evidence will have to be led in accordance with the Evidence Act, whereas the evidence will have to be produced in this House in the usual way it is produced in legislative bodies. In the former, you want to punish the accused under the existing ordinary law of the land, whereas, in the other case, you want a preventive legislation for the purpose of deporting people from British India. Apart from the remedies, and apart from the Evidence Act, it is obvious that the foundation is identical in both cases. The foundation is the existence of a widespread or of a sufficiently serious communist conspiracy in British India to overthrow the British Government by force or violence. It is not right to say, as the Honourable the Home Member says:

"They are of opinion that nothing need be said which would prejudice the matter which is before the Court, namely whether the thirty-one accused persons or any of them have entered into a conspiracy to deprive the King Emperor of the sovereignty of British India."

But there are 50 other matters, which have got to be proved, before that final fact emerges and the matter you have to prove is that there is a communist conspiracy to deprive the King Emperor of the sovereignty of British India, and the 31 persons are the members of that criminal conspiracy. That is what you have got to prove. You do not suggest that there are several unrelated conspiracies and from the statement that was made the other day on the motion for the adjournment of the House, it was obvious that this conspiracy was started as early as 1921. Therefore, I submit that the fact in issue both on the Bill here and in the case at Meerut is whether there is a criminal conspiracy of this communist character to deprive the King Emperor of his sovereignty in British India by force or violence. That is the only question which we need consider. That is a fact which is pending adjudication in the Meerut Court and that is the fact which it is necessary for the Government to establish in order to have this Bill passed.

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The views of a legislature may fluctuate from time to time. You cannot say that it is not necessary for you to prove a conspiracy at all here. Of course, it is necessary to prove that there is a conspiracy. The proofs and the necessity may be different here, but still the necessity for the justification of the conspiracy must be there. It is not at all correct to say that, because this question was debated on previous occasions, it is no longer open to debate. Time and again the Chair has ruled to the contrary, and the procedure has invariably been that, at the consideration stage, the whole of the principle and policy of the Bill has been discussed. The general position of the Bill and its expediency have been urged by one side, and the lack of the necessity or the lack of statesmanship have been urged by the other side. I concede that you have discussed this matter, but new Members in the Assembly have come in and the personnel of the Assembly undergoes a change every day, and therefore you cannot say that once the Assembly makes up its mind, it stands good for ever. Supposing it gave its vote for the Bill at one stage, it may change its mind at the next stage. I have every hope that I will be able to convert my friends, the Honourable the Home Member and the Honourable the Law Member, for the purpose of this argument.

The Honourable Sir Brojendra Mitter: By good reasons you might convert us, but even an archangel cannot convert the other side.

Mr. S. Srinivasa Iyengar: We do not know on which side the archangels are and on which side they are not. I really appreciate all the force of my Honourable friend's arguments and all the vigour of a new convert. Naturally, he has got a responsibility in this matter and I appreciate it. The Meerut case is undoubtedly calculated to curtail the freedom of speech here and to trench upon matters necessary for our judgment. When they launched that prosecution, I must say they intended to deprive the Assembly—I am not attributing motives—of its right to discuss these matters. Therefore, Sir, I maintain that they cannot take advantage of what I consider was wrong on their part. I submit therefore that we cannot play with this question in the way in which we have been playing with it. I do not wish to stand as a champion of the privileges of the House, nor do I wish to be a person who will unnecessarily give to the Chair all the rights and deprive himself of all the privileges. I hope I shall be able always to claim the privileges of the House, and if the Chair interferes with them,

3 P.M. I shall be the first to resent it. I consider the true position of the Chair is what I stated. The Chair is the representative of the House, the dignity of the House is in its keeping, the traditions and the rules of the House are likewise in its keeping. I do not understand what difference there is between the Chair and the House. The Chair is the mouth or organ of the House. The only question is whether, in this particular instance, the Chair is right or wrong in its interpretation of the rules and in claiming the power which it has claimed. It has claimed this power not for itself but as a representative of the House (Applause), and if it wishes to exercise that right, it will exercise it as the representative of the House. It claims it only in the interests of the House and for the greater utility of the House, for the purpose of maintaining the privileges of the House intact. I say you have the power by necessary implication, by rule 29, an inherent power, and your own ruling shows that we are bound by it. Therefore, for these reasons, I submit that the second question

can only be answered in one way, namely that the Chair has the right. If the Chair has the right, how can it best intervene? Instead of a piecemeal exercise of its jurisdiction in the case of each Member, the Chair exercises the right by ruling the motion as out of order. I think it is the duty of the Chair, if it properly assesses the value of this Bill, to say that the Bill as a whole is a Bill which cannot be properly and justly discussed, having regard to the freedom of speech of this House and the course of proceedings at Meerut. I do not see why it should not intervene at this stage. I submit it has not only the right, but I consider that it is the duty of the Chair to give a ruling on this point of order, that they cannot proceed with this Bill, having regard to the history of the legislation, having regard to the admitted facts that the matters at issue here and there are identical. A great claim has been made of the necessity for and justification of the Bill. We are not here as draftsmen or lawyers to deal with the various provisions of this Bill. What is the measure? Roughly speaking it is that exceptional powers should be entrusted to the Governor General in Council to deal with this communist conspiracy. That is really what it is. That is the simple purport of this Bill. Therefore I consider for all the reasons I have stated you cannot really say that this Bill at this stage of consideration, can be discussed reasonably without infringing upon the matters which are *sub judice*. Secondly, you have got the right, not only have you got the right but you are bound, I submit, to rule, Sir, as you have done. I do not agree with the somewhat pompous statement which has been made here by the Government. I cannot understand what grave constitutional crisis arises over this, as if the Government had the right to bring up a Bill at any time. Can Government, for instance, bring up a Bill on non-official days? It can only bring up Bills in accordance with the proper procedure, and the Legislature undoubtedly has the power, and it is for the Chair, as representing the Assembly to see whether the forms have been complied with or whether they have not, or whether there is an abuse of the form and procedure. The Government want to block discussion. The pith and substance of the Bill cannot be discussed, the necessity which has been stated to be the existence of a widespread communist conspiracy, which is the subject of a trial at Meerut, cannot be discussed.

For these reasons I submit that there can be only one answer to the question you have put to us, and in my humble opinion that answer can only be in the affirmative, namely that you have the right and are bound to exercise the right to say that Government cannot proceed with the consideration of the Bill.

***Raja Ghazanfar Ali Khan** (North Punjab: Muhammadan): Sir, it is a matter of great regret that neither the Leader nor the Deputy Leader of our Party is here in his seat today. I feel sure, if Mr. Jinnah had been present here, his participation in this important discussion would have been of invaluable assistance both to the Chair and to the House.

We, the Members of the Independent Party, have very carefully considered and discussed the statements issued by the Leader of the House and the Chair. We believe that you were fully justified in giving a strong warning to the Government, in view of the past discussions on this Bill, that they should not do or say anything which would, in the slightest degree, prejudice the Meerut trial. As far as we have been able to ascertain, we could not come across any Standing Order or rule which would

*Speech not corrected by the Honourable Member.

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enable the Chair to direct the Government to take any particular action on the Bill which is already before the House. This view has been supported by Mr. Jinnah's opinion, which is contained in a telegram which I have received from him this morning. The telegram reads:

"My opinion President cannot stop further consideration Bill. Jinnah."

In view of this, we would request you kindly to reconsider your statement which, after all, was merely in the nature of advice and not a final ruling, and you can use your powers under Standing Order 29 if and when such occasion arises.

In conclusion we want to assure you, Sir, that our Party has always been anxious to maintain the dignity of the Chair, and we shall do so in future as well, and if we have offered any criticism on a statement coming from you, it is only because expressions of opinion have been invited.

*Sir Hari Singh Gour: Sir, I should like to speak on this subject. I have got up eight times already, and I claim the privilege of this House to speak. (*Cries of "Order, order" from the Opposition Benches.*)

Mr. President: Order, order.

(Sir Hari Singh Gour continued to stand up.)

Mr. President: Order, order. Will the Honourable Member resume his seat?

Sir Hari Singh Gour: I will resume my seat, but I will rise up again.

Mr. President: The Honourable Member may get up a hundred times. The Chair has the right on a point of order to hear only those Members whom the Chair calls upon.

Sir Hari Singh Gour: I am raising a point of order. The point of order I raise is this. I got up at eleven o'clock this morning for the purpose of raising this point of order. Unfortunately I was interrupted and therefore could not raise the point of order.

The point of order is a question which does not affect the ruling of the Chair, but it affects the privileges of the House, and it is the duty of the House . . .

Mr. President: Order, order. The Honourable Member is only dealing with the question which has already been raised, and he is not raising a separate point of order. Sir Darcy Lindsay and Nawab Sir Zulfiqar Ali Khan have already referred to it and the Honourable Member wants to raise the same question again.

Sir Hari Singh Gour: I claim the privilege of being heard in this case. I think I have a right to be heard.

Mr. President: Order, order. I am afraid I cannot allow the Honourable Member.

Sir Hari Singh Gour: I think I am entitled to be heard on the point of order.

* Speech not corrected by the Honourable Member.

Mr. President: There is no point of order. We are already in the midst of one.

Sir Hari Singh Gour: You have not heard me, and you have no right to refuse to hear me.

Several Honourable Members: Order, order.

Mr. President: Order, order. The Honourable Member must understand the rules of the House. He has been a Member of the House for the past nine years.

Sir Hari Singh Gour: Yes, Sir. Much longer than the President himself. I know what the precedent is.

Mr. President: The Honourable Member will please resume his seat. Mr. Crerar.

The Honourable Mr. J. Crerar: Sir, as this discussion, which is of a decidedly extraordinary character, has been equally extraordinarily prolonged, I wish to speak only in the very briefest terms. The Honourable Member on the opposite side, who has just resumed his seat, rested a very great part of his case on what he called the analogy of the Standing Orders and Rules relating to motions, Resolutions and questions. Now, Sir, I desire to point out that that argument, on which the Honourable Member so much relied, is an entirely fallacious one. A Bill is a matter of a totally different character from motions, Resolutions or questions. I will give what I think is a conclusive illustration of that fact, in the terms of section 87 of the Government of India Act, which expressly contemplates the possibility of legislation by this House, with due sanction, on matters which are definitely excluded in the case of motions, Resolutions and questions. The Honourable Member, like other Honourable Members who spoke on that side of the House, relied also upon what he called inevitable implications. Now, Sir, the case, which I venture to state with the utmost respect to you, Sir, and with the greatest earnestness to the House, is that we are not concerned with implications and inherent powers, but we are concerned, and must be concerned with express powers, and my contention has been, and the contention of Honourable Members on this part of the House has been, that, in the express powers conferred upon the Chair, there is no power to remove from the jurisdiction of the House, a Bill of which it has duly and properly been seized. I do most respectfully submit that a course of that kind, a course which I trust, you, Sir, on reflection, will not consider desirable or proper to take, a course of that kind is not only an invasion of the responsibilities of Government, but it is also, as has been pointed out by more than one speaker before me—and I desire to reiterate the point—it is a very serious invasion of the undoubted privileges of Honourable Members of this House. As a matter of practical importance, I would venture to impress upon the attention of the House an argument which has been heard once already and which I desire to emphasise, and it is this: that if the view be taken that, in no circumstances, may this House be asked to legislate on matters touching on matters which are, for the time being, *sub judice* then the Government of this country and this Legislature might be deprived of the means of carrying out one of its greatest and

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most fundamental responsibilities, that is the responsibility of maintaining public security in this country. I have been asked, and Honourable Members who spoke on this side of the House have been asked, whether any precedents could be quoted of legislation enacted while judicial matters relating to, or connected with, the matter of that legislation was still pending.

Sir Hari Singh Gour: May I tell you one thing? If two rowdies outside this House fight on the question of a Bill pending in this House, they can institute a collusive suit in a Court of Law and thus prevent this House from discussing that Bill.

An Honourable Member: Rot.

The Honourable Mr. J. Crerar: I was about to give two instances in point, that is, cases in which legislation was discussed and enacted in the House of Commons where judicial proceedings relative to the matter which formed the subject matter of that legislation were pending. One was the Protection of Person and Property Act, 1881, which was passed when proceedings for treason were actually pending, and another was the Defence of the Realm Act, which was also discussed and enacted at a time when proceedings were pending in respect of treasonable practices.

Mr. President: What are those Acts?

The Honourable Mr. J. Crerar: The first was the Protection of Person and Property Act, 1881 and the second was the Defence of the Realm Act.

Mr. President: Are they both of this Legislature?

The Honourable Mr. J. Crerar: No, both of the Legislature of the United Kingdom.

Mr. A. Rangaswami Iyengar: May I ask, Sir, whether any proceedings involving the same issues were pending in Courts of Law when these Acts were enacted?

Diwan Chaman Lall: Were any prosecution pending when the Defence of the Realm Act was passed?

The Honourable Mr. J. Crerar: I do not wish to delay the House longer. I was submitting that there were two cases in England. I submit, these two cases are precisely in point, and they were enacted at a time when judicial proceedings connected with the matter of this legislation were still pending. But, Sir, the most important point—as I emphasised in my original statement—the most important point, both in regard to the Government and in the interest of the House, as well as having regard to the position of the Chair, is whether, in point of fact, the Chair possesses these powers. We very respectfully submit to you, Sir, that the Chair has not got those powers, and even if it had those powers, they ought not to be exercised in the present case. The matter essentially resolves itself into the question whether the House is willing to consider further the Public Safety Bill, of which they are now duly seized. That is essentially a matter for the decision of the House, and

as I have pointed out, that matter can be most appropriately and conveniently discussed in the normal manner on the motion which, in accordance with the rules and Standing Orders of this House, has been duly placed on the agenda in connection with the Public Safety Bill.

In conclusion, Sir, I would venture to repeat my request that, when you announce your decision, you will, if necessary, give me an opportunity to state further the decision of the Government in the matter.

Mr. President: What about?

The Honourable Mr. J. Crerar: In the light of any ruling you may consider proper to give.

Mr. President: I have already said that I will consider that.

The Honourable Mr. J. Crerar: Can you not state it more expressly, Sir?

Mr. President: How can I, until I know what the ruling will be. I think we might now get on with the other business. *Diwan Chaman Lall.*

Diwan Chaman Lall: Sir, I was speaking yesterday . . .

Sir Hari Singh Gour: On a point of order, Sir. I do not know when the President is going to give a ruling on this point. (*Cries of "Order, order"*). I am entitled to be heard on a point of order.

Mr. President: Sir Hari Singh Gour.

Sir Hari Singh Gour: The point I am raising is this. The proceedings of the House may be interrupted at any moment, save during the progress of a division, by a motion proposed on a matter of privilege when a matter has recently arisen, which directly concerns the privileges of the House, and in that case the House will entertain the motion forthwith. My submission is that, as soon as a question relating to the privileges of the House is raised, all other business must give way to that motion and that motion must be debated, discussed and decided upon, and then, and then only, the House will proceed to the normal business. That, I submit, is the real and right Parliamentary procedure, and to that I wished to draw the attention of the Honourable the Leader of the House at eleven o'clock this morning. I ask you, Sir, once more to decide this question first before further progress is made with the normal work of the House. I may point out, Sir, that we have not yet had an opportunity of guiding you as to what is the law on the subject and I respectfully submit . . .

Mr. President: The point of the Honourable Member does not arise in connection with this matter. *Diwan Chaman Lall.*

THE TRADE DISPUTES BILL—contd.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Sir, I thought Sir Hari Singh Gour, when he got up to speak, was going to raise some point of order in connection with the Trade Disputes Bill. I should have been glad if he had raised a point of order in regard to the Trade Disputes Bill, because he would have saved me the necessity of proceeding with my speech. It seems Sir Hari Singh Gour . . .

***Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): I rise to a point of order, Sir. I understood the President decided that the matter was closed, but Mr. Chaman Lall is referring to the subject once more.

Mr. President: Diwan Chaman Lall.

Diwan Chaman Lall: The Honourable Member, Sir, has got into a state of terrible excitement . . .

Sir Hari Singh Gour: I rise to a point of order, Sir. Can any Honourable Member of this House make an attack upon me? (*Honourable Members:* "Order, order.")

Diwan Chaman Lall: I am afraid he does not seem to realise . . .

Sir Hari Singh Gour: The Honourable Member does not seem to realise that I have got no protection from the Chair.

Mr. President: Will the Honourable Member resume his seat? Diwan Chaman Lall.

Diwan Chaman Lall: His association with Sir John Simon has not been good for him.

Sir Hari Singh Gour: I rise to a point of order. Association with the Swaraj Party has not been good for anybody.

Diwan Chaman Lall: I am going totally to ignore Honourable Members who are prepared to sell their souls, and he is one of them.

Mr. President: Order, order. The Honourable Member has no right to make these remarks. They are unparliamentary. Will the Honourable member withdraw them?

Sir Hari Singh Gour: I want no protection from you, Sir. I can protect myself.

Mr. President: Order, order. Will the Honourable Member resume his seat? Diwan Chaman Lall.

Diwan Chaman Lall: I am exceedingly sorry, Sir. I withdraw that remark.

Mr. President: Will the Honourable Member, Sir Hari Singh Gour, withdraw his remarks?

Sir Hari Singh Gour: What remark?

Mr. President: That he does not get protection from the Chair.

Sir Hari Singh Gour: I have not got the protection.

Honourable Members: Withdraw, withdraw.

(Sir Hari Singh Gour was standing in his seat and went on to speak.)

Mr. President: Will the Honourable Member resume his seat?

Sir Hari Singh Gour: Will the Honourable the President protect me?

Mr. President: Will he resume his seat? (After a pause) Is the Honourable Member prepared to withdraw his remark?

*Speech not corrected by the Honourable Member.

Sir Hari Singh Gour: I am prepared to withdraw the remark if the Honourable Members will not refer any more to me, Sir.

Mr. President: Will the Honourable Member withdraw his remark unconditionally?

Honourable Members: Withdraw, withdraw.

Sir Hari Singh Gour: Very well, Sir, I withdraw the remark.

(The Honourable Member was still standing in his seat.)

Mr. President: Will the Honourable Member resume his seat?

(Sir Hari Singh Gour was still standing in his seat.)

Mr. President: I ask the Honourable Member to resume his seat

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-Official): Sir, I draw your attention to Standing Order No. 29, sub-order (2), which says, that, "A Member while speaking shall not make a personal charge against a Member". And as I understood my friend Diwan Chaman Lall . . .

Mr. President: The Honourable Member knows very well the remarks have been withdrawn.

Mr. Muhammad Yamin Khan: Diwan Chaman Lall has not withdrawn that expression, Sir.

Mr. President: He has. Diwan Chaman Lall.

Diwan Chaman Lall: Sir, we were discussing yesterday the Trade Disputes Bill, clause 16; and I drew the attention of the Honourable Member to the effect of clause 16 upon what is known as a strike in any particular industry, and the Honourable Member will recall the fact that I invited his attention to the fact that a sympathetic strike under the provisions of this clause would be considered to be illegal, and that all sympathetic strikes would, under these circumstances, be declared illegal. Sir, according to clauses (a) and (b) of clause 16 (1), a strike or a lock-out can be declared illegal if,

"it has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action."

It is obvious that, if there is a sympathetic strike, then that strike is not a strike which has the object of furthering a trade dispute within a particular trade or industry in which the strikers are engaged. A sympathetic strike presumes that it is a strike outside, of a body of men who are not engaged in probably the very same industry or trade; and if the consequence of such a strike is that there is a severe, general and prolonged hardship inflicted upon the community and if the Government are compelled thereby to alter their course of action, then that strike is, under this clause, to be declared illegal. That is one set of affairs. Now, let me draw the Honourable Member's attention to a second set of affairs, which would eventuate if this particular proviso is passed. For instance, let me take the case of a strike of workmen. If the workmen go on a sympathetic

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strike in respect of other workmen employed in some other trade or industry, then it would be held to be illegal if the effect of their striking is calculated to inflict severe and prolonged hardship upon the community. But it may also be a strike, not only a sympathetic strike of a body of workers not actually engaged in that particular trade or industry, but a strike in the same trade or industry, provided, however, that the objects are not merely the furtherance of a trade dispute, but the furtherance of some other objects as well. I shall give an example of the coal-miners going on strike, not necessarily with the object of getting an eight hours' day, but also with the further object—which is not a matter of a trade dispute—of obtaining the nationalisation of mines. Now, Sir, is the Honourable Member going to penalise a legitimate strike of that nature in a particular trade—not even a sympathetic strike but an ordinary strike—with the object of not only furthering a trade dispute but also with the further object of obtaining the nationalisation of mines? I ask the Honourable Member what he proposes to do? So far, strikes are not illegal, excepting where perhaps local legislation or the Post Office legislation has made such strikes illegal on the ground that they take place in any public utility service. Here, however, we are not considering a public utility service at all; we are considering the case of a strike in an ordinary trade or industry. And for the first time in the history of this country, the Honourable Member is attempting to make a strike illegal, even when the objects of that strike are perfectly legitimate from the trade union point of view, and even when those objects are not those circumscribed within the term, "dispute within a particular trade", but are objects such as those mentioned in the example I just now gave, namely, the nationalisation of the mines. Why should the Honourable Member seek power from this House in order to penalise strikes of that nature which are perfectly legitimate today and perfectly legal, and are considered both from the point of view of the trade union movement and from the moral point of view as absolutely legal? I ask the Honourable Member why he should do it? What justification has he for it? Does he think that the safety of this country and of this Government, or the peace and prosperity of the community depend upon his penalising a strike like that? If he says so, why does he not go further and penalise any ordinary strikes? What is the idea behind all this? Why not penalise all strikes, I ask? Here is a legitimate case which I have pointed out; what has the Honourable Member to say in justification of this clause for penalising strikes of this nature?

The next point I come to, Sir, is this. Let us take another example. Suppose there is a strike of the coal-trimmers and the other workmen who are engaged in the allied trade, namely, Stevedores, also go on strike in order to get better wages for their fellow-workmen. It may be that the coal-trimmers' strike will cause hardship to the community and it is declared illegal, as also the strike of the Stevedores in the allied industry. What is the result? They are declared illegal. Again I ask, what is the justification for the Honourable Member to demand that these powers should be placed in his hands in order to make strikes of this nature illegal. They are all genuine trade union movements, engaged in furthering trade disputes among workmen that belong practically to the same category as those involved in a particular trade, wanting to help their fellow-workmen who

are on strike, in order to get for them certain advantages—why should they be penalised? Why should their strikes be declared illegal? Why should these people be ordered to be sent to prison by the Honourable Member merely because hardship is caused to the community or the Government is being asked to change its course of action?

Now, Sir, let me come to the third point. I want to draw the attention of the Honourable Member to the wording of this clause once again. The wording is:

"A strike shall be illegal which has any object other than the furtherance of a trade dispute."

What does he mean by "any object other than"? I do not know if the Honourable Member has read the debates which took place in the House of Commons on this very phrase-debates, as I said yesterday, Sir, which were prolonged and very bitter—and this very point was raised in those debates. What is the significance of, "any object besides the furtherance of a trade dispute"? How is one to know what the object is—whether the object is in furtherance of a trade dispute or some other object? Can the Honourable Member—I wish the Honourable the Law Member were here—give me any criteria on which he can base a judgment as to whether strikers, who go out on strike, have an object other than the furtherance of a trade dispute? It is mere conjecture; and are you going to base your law upon conjecture? Are you going to pass your law and then leave it to the sweet will of the magistrate who tries the case as to whether a particular strike is or is not in furtherance of a trade dispute or has any object beyond the furtherance of a particular trade dispute? Further, Sir, what is the furtherance of a trade dispute and what is not? What is the other object besides the furtherance of a trade dispute? Has that been defined? Have we got any inkling as to what the intention of the Government of India is with regard to this particular matter? I submit, Sir, that this clause is so vague that it merits summary rejection at the hands of this House. I want to ask the Honourable Member to pause and to analyse this particular phrase for a moment. Suppose there is a strike and one batch of strikers has the object of furthering a trade dispute and has declared that that is its object. I do not know what that may mean—but let us take it for granted that their object is in furtherance of a trade dispute. Suppose there are ten thousand strikers on the whole and five thousand have this object in view to further a trade dispute and the other five thousand have another object. Is the Honourable Member going to declare that strike an illegal strike? Is he going to penalise that particular strike? What is the criterion as to how many workers who go out on strike should have a particular object, and how many should not have a particular object? What is the criterion? Is there a maximum fixed? Suppose ten thousand men go out on strike and 5,001 make a statement that they have a particular object in furtherance of the trade dispute. Who is going to decide whether it is in furtherance of that trade dispute? I do not think—and my Honourable friend will bear me out because he took a great deal of pains in the Select Committee and has studied the question very intimately, and he will agree with me when I say that this particular aspect of the problem was never placed before the Select Committee. These new points that have arisen in regard to the interpretation of this clause are points which should be thrashed out on the

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floor of this House and a satisfactory response obtained from the Honourable Member; and if no satisfactory response can be obtained from the Honourable Member in regard to the interpretation of this clause, then I submit there is one course and only one course open to us and that is, to reject this clause.

Now, Sir, let me come again to the question of the strike. It is said, "If a strike has any object other than the furtherance of a trade dispute". Now, Sir, what is a strike? I want Honourable Members to pay attention to the terms of its definition; and with your permission, Sir, I may refer, because it is relevant to this particular clause, to the definition that appears on page 2 of the Bill:

"'strike' means a cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment."

Imagine the position. The word "strike" has never been defined before in this fashion, except in the Act of 1927—the English Act. How is it defined? What does it mean? Let me explain it to the Honourable Member. Let us take the example of the miners in Great Britain—a million of them who were given lock-out notices and having been given lock-out notices they refused, after the notices had expired, and they went out of work, to come back and they were out for seven and a half months—a million men out of work for 7½ months. If you pass this clause—this definition of strike—what are you doing? You are making illegal their action in not going back to work, even though lock-out notices have been given and there is no legal connection between the employers on the one side and the employees on the other. There is no legal nexus as between the employers and the workers; they are not bound by any legal connection; they are not bound by any economic connection; they have no part or lot in the industry; they are in the same position as dismissed servants; and yet, if you pass this particular definition of "strike", the Honourable Member can come down upon them and say, "Well, here you are doing an illegal thing, and you shall go to prison for a month". I want the Honourable Member to show me how I can get out of this difficulty and he can get out of this difficulty, and how the millions of workers, who are going to be affected by this hasty legislation, are ever likely to get out of this difficulty. Is it not against all canons of jurisprudence that I, who have got no legal status, *qua* my employer, that I who am not bound to him by any agreement, that I, who have accordingly been dismissed by him after notice, and having been dismissed, I, who refuse to go back and seek employment with him, should be penalised merely because of my refusal to go back to work after expiry of notice? And yet according to this definition, the Honourable Member knows that on a concerted refusal on the part of these men who are not legally attached in any sense of the term to the employers, and who are under no legal obligation to the employers, they would be penalised by the Honourable Member if clause 16 is passed. I am keeping in view—and I hope the Honourable Member will bear with me when I say that I am keeping in view the other two parts of clause 16 when I say this—that of these other conditions being fulfilled, namely, hardship inflicted upon the community, and the Government being compelled to alter its course of action. I am taking that for

granted: having fulfilled these conditions, we deal with a set of men who are under no legal obligation to their employers and who refuse to get back to work; and yet they are going to be penalised by the Honourable Member under clause 16.

(At this stage Mr. President vacated the Chair which was taken by Pandit Madan Mohan Malaviya.)

There is no legal relationship subsisting between either the employers or this body of men; they are absolutely free to sell their work wherever they choose, to sell their bodies wherever they choose—they have no souls to sell—and I submit the Honourable Member should not be in a hurry to pass legislation of this kind and that he should consider it carefully before he gives his consent to these wide provisions, which may entail enormous hardship—perhaps unwittingly—upon the labouring classes in this country.

Now, Sir, let me take another portion of this particular clause to show how difficult it will be for the Honourable Member to give us a clear interpretation of the phraseology that has been employed in this clause. The clause runs: "is designed or calculated . . . to compel the Government to take or abstain from taking any particular course of action." What is compulsion? It may be compulsion by the irrefutable march of events. It may be compulsion designed; it may be compulsion that is not designed; let me refer for a moment to an example that was given on the floor of the House of Commons. Now, Sir, when Mr. Sydney Webb was talking about this matter, he said this:

"But suppose now a certain body of men go out on strike, and the result of that is that Government consider that they have been compelled, or are being compelled, to alter their decision. Then what is the significance of the word 'compelled'? I just want to say one word on that. After all, the word used here is 'compelled'. Is there any big industrial dispute which has taken place during the last 25 years in which the Government has not very quickly intervened between the two disputants? We have asked a special Ministry to undertake that, and naturally in these times of economies. . . . The function of that Ministry is promptly to inquire . . ."

Now, what the Honourable Member here is doing is this. He is setting up a machinery for the settlement of trade disputes, and he has, in the provisions of this Bill, inserted a clause to the effect that if both parties agree to refer the matter to a Court or a Board, then the Government will be obliged to set up a Court or a Board as the case may be; that is to say, it is compelling Government to do a thing that they would not have done otherwise but for the fact that both parties agree. Sir, there is no greater trade unionist in the world than Mr. Sydney Webb from the literary point of view; there is nobody who knows the history of trade unionism better than he does. The objection that I am placing before the Honourable Member is an objection which comes from Mr. Sydney Webb himself. It was on that very occasion, Sir, that the Right Honourable Sir John Simon said that mankind is divided into two classes, those possessed of commonsense and lawyers. (Laughter.) But the Honourable Member belongs to the first category, a gentleman possessed of enormous commonsense—and I wish to say quite frankly and openly, as I said yesterday, that with regard to his own Department, he has got a very large heart. I want him to pause for a moment and consider the enormous consequences, widespread consequences, of passing this measure in this particular form, and it is for that reason, Sir, that I appealed to him.

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yesterday to stay his hand and let us consider this measure over again, and let the public also consider it over again. I have given him three or four reasons as to why the phraseology which is employed in this particular clause should not be acceptable to this House. Let me give him one more example in regard to the word "compel". Suppose the cotton workers strike in a cotton factory, let us say, in Cawnpore or Bombay, and they say that they want to strike against the terrible hardship that is being inflicted upon them because of the lack of humidification in that particular factory, and they say that they want to go on strike in order to compel the Government to bring in legislation in regard to the question of humidification. Would that be covered by clause 16? I submit it would be covered. Why should a perfectly legitimate demand, made by the workers in exercise of their right to make a demand of that nature, be declared to be illegal merely because the phraseology that is employed in this Bill is utterly unsatisfactory, merely because these points have not been really considered by the authorities that are responsible for this Bill in detail, with all their implications. They have merely been borrowed bodily from provisions of this nature which exist in Great Britain, but as far as I have been able to find out, in Great Britain they have not succeeded in getting any definite legal interpretation in regard to the various terms that are employed here, because there are only three cases reported until the end of last year in regard to this matter, and all three of them deal only with the question of intimidation which is not a part of this Bill.

As regards the clauses themselves, I mean with regard to their phraseology, there has been no interpretation. Such has been the confusion, Sir, in Great Britain, that on the floor of the House of Commons the Attorney General gets up and says, that under the clauses of this Bill, almost identical clauses, a sympathetic strike would not be illegal, and the Solicitor General gets up the next day and says that a sympathetic strike is illegal. If such has been the confusion even in the Legal Department of Great Britain where the Attorney General is contradicted by the Solicitor General in regard to the interpretation of a sympathetic strike, what utter confusion will not there be in regard to the interpretation of these clauses here in this country? And if such is the state of affairs, then, I ask the Honourable Member why should he not, in regard to this matter which is not vital to the purposes of the Bill that we are discussing, drop this particular clause for the moment, and if he finds any necessity for it later on and he can prove the necessity for it to me, he can bring it up later on, and I say, Sir, if I am convinced that there is any necessity for it, I shall be the first to support him in bringing forward a measure of this character. But I confess equally frankly, that I do not see any necessity whatsoever for tacking this particular clause on to this Bill at this juncture, merely because probably we have to borrow legislation from Great Britain, and there is some vague fear in the mind of the Government that something terrible may happen if this clause is not passed. Now, let me take another example. Suppose I give notice of a week, and I am engaged on a week's notice, and suppose on the day my notice expires, there is a strike on the railways of the nature contemplated in clause 16. What would be the position of all those men who have come out and whose notice expired on the very day? What would be their position? Because if they refuse to go back to work, their concerted refusal to go back to work will be considered to be a strike, and they will be penalised. Although

they may not have had any intention whatsoever of joining a strike of this nature which is declared to be illegal under clause 16, yet merely because their notices expired on the same day the strike is declared and thereafter they refused, in a concerted manner, to go back to their employers, they are considered as strikers in the strict legal sense according to the phraseology employed in clause 16 and in clause 2. Now, I ask the Honourable Member, is there any justification for it? When a man, even according to him, and even according to the provisions of this measure, is not committing a crime, is not getting out of the bounds of the law, has no intention to get out of it, the law says you are guilty and you shall be proceeded against for having gone on an illegal strike. Is there any safeguard in this Bill to prevent people from being proceeded against in the manner I have described? There is none.

Finally, Sir, it has been urged that this question of the right to strike is of such a nature that, if you take it away, you will merely be enacting legislation which could only be considered to be slave legislation in this country. Now, Sir, if that is the position, then I ask the Honourable Member in all seriousness whether he wishes to be a party to an action of this nature being taken against the working classes in this country. He knows perfectly well the history of the trade union movement in Great Britain. He knows that there was a time when, even a combination of men who refused to work under the Masters' and Servants' Act was declared to be an illegal association. When there was a refusal, they could be proceeded against. He knows that we, on the floor of this House, have had to do away with the Workmen's Breach of Contract Act, which was one of the slave legislations of a very ancient period. We have done away with that, but now, under the provisions of this Bill, we are bringing back again the Workmen's Breach of Contract Act. For, what does it amount to? It amounts to this, that if a man refuses, in concert with his fellow-men, to engage in any particular employment, because he wishes to go on a sympathetic strike to help his fellow workmen and thereby causes hardship to the community in order to compel the Government to alter its decision, then his action will be penalised. That is number one.

Secondly, even though he may have been dismissed or discharged,—his notice may have expired even though he has no legal connection whatsoever with his employer, he is out of his job, yet if there is a concerted refusal on his part to seek employment, even then that action will be considered to be penal. I ask the Honourable Member in all fairness to the working classes, and I am making an appeal to his great sense of humanity—I want to say that out of all Members who sit on the Treasury Benches he has had to do a great deal with the labour movement of this country during his term of office and that he has done a great deal of justice to the views which it has held, and I do not want him, towards the end of his career, to do an injustice of a very serious nature to the working classes. I consider that the action of the Government, in bringing in this penal clause, is tantamount to the gravest injury and harm to the working classes. A man has a right to sell his labour or not to sell his labour as he chooses, just as a moneylender has a right to lend his money to a man or not, just as a bank has a right to loan out its money to whomsoever it pleases. But all the consequences of that that can be predicted are purely civil consequences, and it is wrong, it is unnecessary, it is unjust, it is unreasonable to inflict this grave injury upon the working classes, by making an action, which is purely legitimate, penal and to

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punish all those workers who have every right to do as they like with their labour.

(At this stage Pandit Madan Mohan Malaviya vacated the Chair, which was taken by Mr. Deputy President.)

Mr. N. O. Kelkar (Bombay Central Division: Non-Muhammadan Rural): On a previous occasion I had the misfortune to disagree with my Honourable friend, Diwan Chaman Lall, and to oppose his amendment. I am glad, on the present occasion, I am going to support his amendment, not on the personal appeal which he made to the Honourable Member in charge, but on broad humane grounds.

I do think, Sir, that, in considering this clause of the Bill, you have got to look at it from rather an extensive as well as intensive human vision. I will, first of all, point out that, in dealing with sections 15 and 16, you have got to consider two kinds of strikes. The first category is self-regarding or self-advorting strikes, strikes which are brought about for the advancement of the interests of the people who are themselves concerned in a particular industry. These I call self-regarding or self-advorting strikes. The second category of strikes is non-self-regarding or non-self-advorting strikes, that is to say, strikes intended or entered into, not for the benefit of the people in one particular industry, but in order to help people who are concerned in another trade dispute. Both these kinds of strikes are affected by clauses 15 and 16. Clause 15 has already been disposed of, and I do not wish to comment upon the decision of this House with regard to that clause. I am prepared, for one, to accept that decision, but I am entitled simply to point out that the result of this House passing that clause 15 has been to cripple the worker in respect of one particular kind of force, which he might have legitimately employed in his struggle against the employer. And what is that particular force? Swiftmess of action. Clause 15 has now made it penal for a worker to go on strike without notice in certain services. But we all know that, in fighting and warfare, swiftmess of action is the essence of success. When two countries are about to be at war, the chances of success lie for that country which takes the earliest action and without giving notice.

An Honourable Member: Not always.

Mr. N. O. Kelkar: Not always, but *prima facie*. But here, in this case, by passing clause 15, you have crippled the worker in respect of the legitimate use of one kind of force, namely, swiftmess of action. Now, here, by clause 16, you are going one step further and crippling him in respect of the use of another force which he might legitimately employ, namely, combination and association with other workers like him. I do assert that this right of association in affairs is a legitimate right, an inherent right in man, unless, of course, the Government choose to take it away from him by law. With regard to the wording of the clause, Diwan Chaman Lall has already pointed out the weakness of that clause in one particular. He laid before this House his difficulty as to the interpretation of the word "compulsion". I am going to point out another difficulty, and I think my view will appeal to the House. That difficulty

is in respect of the words "any action". The words are "to compel the Government to take or abstain from taking any particular course of action." Can any words be broader, or larger, or more comprehensive than that? The words "any action" may include anything, and just to reduce the thing to an absurdity, I have simply to point out that a strike may be designed or calculated to compel Government to take the particular action contemplated in section 3, namely, of making a reference to a Court or Board of Arbitration for the settlement of a trade dispute.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Has the Honourable Member noticed that the words "and thereby" are there, and thereafter that action must be consequential to a severe, general and prolonged hardship.

Mr. N. O. Kelkar: I have not caught what the Honourable Member has said.

The Honourable Sir Bhupendra Nath Mitra: Is it not that between the expressions "to inflict severe, general and prolonged hardship," and, "to compel the Government to take or abstain from taking any particular course of action," are the words "and thereby", so that primarily there must be a severe, general and prolonged hardship?

Mr. N. O. Kelkar: I see the point. There are the words "severe hardship". Certainly. But my point is this, if the action contemplated to be taken is the one mentioned in section 3, namely, reference to a Board of Arbitration for settlement of a trade dispute, even that would become penal. I assume that there is a concerted strike, that there is a big sympathetic strike, that wide discomfort has been caused to people—I quite admit all that, but I proceed further and say that the object of the general strike, or sympathetic strike, has been to draw the attention of the Government to the necessity of taking a particular action, namely, reference of the dispute to a Board of Arbitration. Even that action would be penalised under this clause.

The Honourable Sir Bhupendra Nath Mitra: Except in one single case, where both parties agree, there is no compulsion on Government under the Act to refer a dispute to a Court of Board.

An Honourable Member: It is all the worse.

Mr. N. O. Kelkar: There is no compulsion. But if the object be simply to draw the attention of the Government to the necessity of referring the matter to a Court or Board of Arbitration, is that penal? I have already admitted that severe discomfort has been caused to the public,—I am coming to that later on. But my immediate point is that the words "any action" include also an action of reference of a dispute to a Court of Arbitration. My simple point in this connection is that, just as the word "compulsion" is a very wide word, so also the words "take any action" are very wide words. Of course, there is no help for it at this moment, although I hope the Honourable Member might like to reconsider the wording in that respect.

The next point is about a sympathetic strike, which seems to be aimed at under this particular clause. It is one method of exercising the right of association in public affairs and in economic interests. That inherent

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right has now been taken away by clause 16. The question arises, why should another group of workers be allowed to strike for one kind of group of workers? I give an analogy, and maintain that they should have the right to do that. The analogy is about the right which the Indian Penal Code gives to a man to exercise the right of self-defence. The provisions of the Indian Penal Code about the exercise of the right of self-defence contemplate that a man may proceed to take certain measures, not only to prevent injury to himself, but injury to others as well. By analogy I contend that one group of people employed in a trade are entitled to take measures of self-protection, self-protection in this connection having a wider meaning. I do not think that it has been pointed out by the Honourable Member in charge that sympathetic strikes have been penalised in any other country. I do think—and I say it so long as I am not corrected—that all countries generally allow the right of sympathetic strike, and Diwan Chaman Lal just now pointed out to the existence of that sort of right in England until the Act of 1927 was passed.

My objection to clause 16 is based upon very broad grounds of humanity, and I am going to put it like this. This clause, in my opinion, if I may say so, offends against the elementary laws of chivalry. Now, you may say that I have brought into the discussion of a Bill like this a very big word "chivalry", but, after all, what is chivalry? Chivalry, if you look at the proper meaning of the word, is only protective kindness to the weak. I am not using the word "chivalry" in any flamboyant sense; I am using it in its rudimentary sense, namely, of protective kindness to the weak. Therefore, the question arises whether it would not be legitimate for one group of workers to show chivalry or for the public to show chivalry to people who are in distress and who are weak and therefore deserve protection. If we use chivalry in this sense, then it becomes obvious why we call a certain kind of action towards ladies "chivalry". Proper manners or patronising acts of kindness to ladies are called chivalry, because they are a kind of protective kindness shown to ladies on the ground that, as between the two sexes, the female sex is the weaker sex.

An Honourable Member: It is gallantry.

Mr. N. C. Kelkar: It is chivalry in its elementary sense. My point is, there is the instinct in man to show kindness or patronage to the under dog. The question is, as between the employer and the worker, is there not this relationship as between the upper dog and the under dog? And I suppose I can maintain that the employer presumably, as a rule, is the upper dog, and the worker is the under dog. Therefore, on behalf of this under dog, the human worker, as against the employer who enjoys position and points of advantage, I do claim that he should not be made to forfeit and forego the natural assistance which he is likely to get from other sections of society, and much more so, from his own kindred employed in other trades, the kind of assistance that he must get because he is weak. Therefore this clause, in my opinion, very largely is against the elementary virtue of chivalry. I consider the employer to be strong and the worker I consider to be weak, and therefore he deserves our sympathy. On the side of the employer there are already capital resourcefulness in men and human agency.

He has also staying power and has got the sympathy and support ordinarily attracted by money power. First of all he has got the capital which the worker has not got. Then he has got resourcefulness in human agency. If the workers go on strike, he can, with his capital, employ another set of workers. Then he has got the staying power. Supposing the mill industry has stopped, he can live on his own. He is not absolutely ruined simply because the mill has stopped work for a certain time. Lastly, he has got sympathy and support which money generally attracts, because in this world, wealthy people generally attract the support of the people. With regard to the employee, he is inherently poor, uneducated and unorganised and has not got the staying power. When therefore you contrast the conditions pertaining to the employer and the employee, you will at once admit that, between the two, the employee is the weaker party, the under dog, and therefore chivalry demands that the public should side with the employee and the worker, and the worker, in his turn, is entitled to appeal to society and get their help.

Now, I come to the question of inconvenience and discomfort. I do admit that, when there is a general strike or sympathetic strike, a certain amount of inconvenience and discomfort is caused to the public, but that is a natural consequence, and the public, to a certain degree, do submit very calmly and quietly and appreciate that inconvenience and discomfort caused by general strikes. Now, among the society there may be certain hard-hearted people also. Reading about the general strike in England, I came across one remark made by people who were compelled to go on foot because the tramways had gone on strike. The man who was going on foot said "You may wear away my shoes and boots, but you can never wear a single corner of my heart". Of course we get people like that in any society, but these are exceptions, and if you take a plebscite in conditions like this, you will find that 80 people out of 100 in society are willing to undergo that inconvenience and discomfort, because that has the effect of attracting the attention of the Government and the powers that be to the particular grievance which has got to be remedied. Now, 80 per cent. of people are likely to sympathise with the worker and the striker, rather than with the employer, because, in the human mind, you will always find this instinct of chivalry or generosity. Even in ordinary games and sports, you will find that that chivalry comes into play. Now, chivalry is mainly directed towards securing equalisation of conditions in a fight. When there is a weak party fighting with a strong party, the instinct of humanity operates in the direction of securing equality of conditions for the weaker party in that fight. And we see that expressed, not only in fights, but in ordinary games and sports as well. In the old world duel, we know that there was equality of conditions secured by the weaker party being allowed to choose his own weapons, and to choose his own ground. That secured the equality of conditions. Even in playing billiards, if there is going to be a game between strong and weak players, the strong player, of his own accord, gives points, because he appreciates that true success is only when there is equality in the game. So, whenever there is a necessity to handicap the stronger party, he is handicapped, and thus the conditions are equalised. When men play cricket against women, they play with the left hand, whereas women play with the right hand, simply because there is the human instinct, the sporting instinct, to secure equal conditions. By all these illustrations I do want to impress upon the mind of this House one thing, namely, that, whenever

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there is a fight between a strong party and a weak party, the human instinct naturally gravitates towards securing the equality of conditions in that fight.

Now, what is the point in this particular case of clause 16? The general strike or the sympathetic strike is a strike which is calculated to draw the attention of the Government, and to put on the side of the weaker party, namely, the worker, the weight of the public sympathy, and thus to equalise conditions. You have, by clause 15, already deprived the weaker party of one factor of potency, and now by clause 16, you are depriving him of another, and thus disturbing the balance or the equality of conditions. If you are to keep the equation proper as between the worker and the employer,—force is equal always to mass multiplied by density and the speed of motion. If I am wrong in my mathematics, I hope somebody will correct me. Force on momentum is the result of these three factors—mass, density and the speed of motion. That is my conclusion. So, in the case of the employer, what is the equation of force or momentum? It is capital, resources, staying power and organisation. These are factors on his side, and the combination of these four factors is the result operating on his side. Now, on the part of the worker, what is the equation? Numbers, swiftness of action, combination, and public sympathy. These four factors go to make up the equation on the side of the worker. Now, if you are really human-minded, and if you have got any sense of justice, you would not disturb these equations. Whereas the employer has his equation undisturbed, you are depriving the worker of that equation on his side, by depriving him of one more factor, namely, public sympathy, which he is entitled to have, because he is the weaker party. On all these grounds, which are based on the sense of humanity, I do say that you are doing a very great wrong to the worker, because you are dealing with him unjustly, showing partiality to the employer and putting a sort of discount upon the worker. Therefore, I support this amendment.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Sir, I do not intend to appeal to the Honourable Member on the ground of chivalry, because chivalry and business are incompatible factors; nor shall I emulate my friend, Diwan Chaman Lall, by telling the Honourable Member, that he needs intelligence one day and then appealing to his heart the next day, because I believe the Honourable Member has a sufficient quantity of both head and heart to do justice to the situation. My friend, Diwan Chaman Lall, has discussed this matter in such great detail that he has left me almost bankrupt of new facts. Whether these facts appealed to the Honourable Member during his moments of sleep yesterday or during his moments of wakefulness today, I am not prepared to state, but I have great doubts about clause 16 in my mind, and I desire the Honourable Member to be kind enough to clear that doubt away. My reason for talking on clause 16 is on account of that doubt. If you will look at clause 16 of the Bill, you will find that it is headed by the following words: "Special provision for Illegal Strikes and Lock-outs". That, *ipso facto*, connotes that there are legal strikes also, because, here you are making provision for illegal strikes. I think the Honourable Member will agree with me when I say that all strikes, including sympathetic strikes, are legal, and that no strikes are illegal. It therefore seems to me that the

purpose of this clause is to convert a legal strike into an illegal one, and this conversion is effected by the introduction of sub-clauses (a) and (b) into clause 16. Now, Sir, I am not prepared to discuss on the floor of this House, whether this conversion is necessary or not, but I believe clause 16 is taken from the English Trade Disputes Bill. In this connection, one has to consider the fact that conditions of labour in India are different to those in England. Be that as it may, the question of including sub-clause (a) I can understand, but sub-clause (b) is full of doubt to me. I shall not weary the House by repeating the arguments of others on this point, but I wish to ask the Honourable Member if he will, if necessary with the aid of the Law Member, give this House the legal definition, or a definition sufficient to clear the doubts in my mind, of the words "severe, general and prolonged", and in doing so, might I ask the Honourable Member his opinion on the following case? Supposing a certain railway, a department of labour with which I am very familiar, decided to demonstrate its displeasure of, or disagreement with, say a certain objectionable act on the part of the Government or against a certain order issued by the Agent of that Railway, or say against the coming to India of the Simon Commission, and it decided to call a general strike for one day only, will that be considered to be falling within the purview of this clause and be interpreted as causing a severe, general and prolonged hardship? My friend behind me says, "Yes". We will imagine that this objectionable order is not removed by the Agent and the men again go out on strike for one day the next week and repeat this for many weeks. Will you say that it is a strike and that it comes under sub-clause (b) of clause 16? Has it caused severe, general and prolonged hardship?

The Honourable Sir Bhupendra Nath Mitra: It is a question of fact.

Lieut.-Colonel H. A. J. Gidney: How? I should like you to clear that point. Now, supposing I resorted to the Welsh system of causing a railway strike, or to be more correct, creating such a complete disorganisation of work as to cause cessation of work on a railway. Some years ago in Wales serious disorganisation of the railway system was caused, not by calling a strike, but by "working to rules", and it was done in this way. A Station Master has a number of duties to perform about half an hour before an important train passes his station. He goes to the distant signal and examines it. The signal is a mile away, it takes him an hour to go there and back and when he comes back he finds that he has detained the train a whole hour. This is repeated at all the important stations on the Railway, with the result that the entire system is disorganised and work ceases. In other words the effect is similar to a strike. Does this come under sub-clause (b) of clause 16?

The Honourable Sir Bhupendra Nath Mitra: My answer is that the instance the Honourable Member is referring to relates to the same industry, and that it cannot, therefore, come, under any circumstances, within the mischief of clause 16.

Lieut.-Colonel H. A. J. Gidney: I have not finished my statement, and the Honourable Member is a little bit premature.

Supposing along with that railway there is another group of employees connected with coal mines close by, and they take action in sympathy

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with the original strikers of the railway or, say, the Loco. department of the Railway strike in sympathy with the traffic branch, will they be held to be strikers, as per sub-clause (b) of clause 16?

These are the likely instances which I desire to be explained. Such instances, I submit, are not capable of the interpretation of sub-clause (b) and weaken its potency, and Government must explain the position. My vote will depend on the explanation the Honourable Member gives, for it was with that object that I joined the debate.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): Sir, yesterday I submitted to the House that, unless and until a person is possessed of a particular intention and knowledge obnoxious to the interests of the society or any individual he could not be held guilty of an offence. Yesterday we were dealing with clause 15, and those who came within the mischief of that clause were persons who were responsible for their own acts. Today, while dealing with this clause, we are dealing with a class of people who need not be responsible for the consequences of their own acts. This clause, in a manner, deals with vicarious responsibility. It has been said time and again that a person has got an absolute right, an inherent right, to withdraw his labour, and if he does that, there is no moral or legal principle which will make him guilty.

The law relating to general strikes is based upon two assumptions, No. 1 that an individual withdraws labour sympathetically in a trade or industry, whose disputes do not concern him, and secondly, that such a system of labour is designed or calculated with a particular motive. Now, Sir, the general law regarding vicarious liability does proceed from the assumption that the person on whom this responsibility is sought to be foisted has got a particular knowledge or a particular intention.

I will refer you, in this connection, to the analogous provisions of section 145 and section 149 of the Indian Penal Code. In these two sections, which deal with unlawful assemblies, the principle involved is the one which is involved in cases relating to general strikes. A perusal of those sections will establish that, unless and until it can be said about a man that he knew that particular assembly was unlawful, or that he knew that particular consequence was to result from the acts of those with whom he was in association, he cannot be held guilty. Section 145 runs thus:

"Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished, etc."

And similarly, Sir, section 149 lays down:

"If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence."

Now, Sir, clause 17 deals with the penal consequences, and according to this clause any person who declares, instigates, incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out, which

is illegal under the provisions of section 16, he shall be punishable, etc. This clause 17 does not contemplate that the person who is held to be guilty is in any way affected with the knowledge that that strike is designed or calculated to bring any hardship, or with the knowledge that any strike has the object which is mentioned in clause 16(a).

Now, Sir, it is clear from the general law and the implications of the provisions of clause 16, that, if there is a strike in furtherance of a trade dispute within a particular trade or industry, any number of workmen can take part in the strike. They can go to the limit of inflicting any "severe, general and prolonged hardship upon the community," even though it may "compel the Government to take or abstain from taking any particular course of action." And if any person sympathetically-minded wants to help those persons, he can help the strikers in all possible manners. Even the workmen in other trades and industries are competent to help those who have struck work in all possible ways except one way, that is by a cessation of work.

May I humbly inquire when the law gives such a freedom to all workmen to give all sorts of help to their fellow workmen, why this particular kind of activity, cessation of work in another industry, has been regarded as a kind of activity which is sought by the law to be prohibited, and similarly when workmen in one trade or industry can behave in a manner which will bring the normal condition of the community to a standstill and paralyze its normal life, what justification is there for prohibiting cessation of work in other industries when the result is the same?

Now, Sir, in every ordinary penal law, you will find that it is the act which attracts certain consequences. You condemn a man, you punish a man because he is guilty of this act or that act, whereas in this clause you find that, if the consequences are of a particular nature, independently of the justifiability of that act, those who commit that act which is calculated to lead to, without its actually resulting in, particular consequences are held guilty. Now, Sir, my main objection to this clause 16 is that this will enact a law which will work really a very great hardship upon the community. As a matter of fact, those persons who have anything to do with designing or calculating the infliction of any hardship, if there be any such people, will always remain behind the scenes and you will never be able to catch them. Now, Sir, who are those who lead strikes? It is not the ordinary man. Those who design or calculate to inflict these hardships, which are mentioned in clause (b), are not the rank and file, and are not even people who lead the labourers. There might be one or two men in whose head the whole design may be founded, unless such assumed design is a pure concoction or friction and that design or that calculation may never be known to those who instigate any strike or take part in a strike. I want to know, why these people, who do not entertain or know this design, should be regarded as guilty, for the guilt of those who have a design or who calculated in a particular manner. Even if this particular consequence does not enter into the calculation of an ordinary man, he is held guilty under clause 17. I maintain that it is not fair and just to make him vicariously guilty for the design and intention of another person. Sir, this is a legal objection and I expect the Honourable Member in charge of the Bill will kindly take the trouble of explaining the illegal provisions of clauses 16 and 17 in the light of this objection.

[Pandit Thakur Das Bhargava.]

I submitted sometime ago, and I have to repeat again, that when a Government takes it into its head to provide for contingencies which are very remote, it always commits a mistake. It will be said that if the contingency is so remote, if the thing is not likely to happen, what does the country lose and what do the labourers lose if these provisions are enacted? Sir, it rests on those who want to get powers under these provisions, to justify their action. They must explain what necessity has arisen that the law of England relating to general strikes should be copied in India. In the opinions that have come from the various Governments, the House will find that no Government has said that there is any near prospect of any general strike of the nature contemplated in clause 16. Anyhow it is clear that it makes an absolutely innocent activity of a workman penal. The workman, as a member of the community, has got the same right as any other person possesses of helping his fellow workmen to get relief and justice, and this clause takes away that right from him.

Sir, these provisions are quite new, even to the law of England, and I do not think that there are any authorities on the point which have considered the vague and indefinite words used in this section. In the first place, as has been pointed out, the word "severe" has not been defined. What will be a severe hardship, I want to know and who will decide this? When a case goes to Court, the Court will be called upon to decide whether the particular hardship designed or calculated was to be a severe, general and prolonged hardship and that design and calculation then shall have to be imputed to that man in the rank and file, who never knew that any hardship could be caused. Let me illustrate. Suppose today a strike takes place, which involves about 100 men. Then, there is a sympathetic strike next day, which involves 500 men, and a week after, there is another strike. Now, severe and general hardship may be ascribable to the last or third strike. What would happen to these workmen who stopped on the second occasion on the assumption that it could never have entered their calculation that the hardship due to their strike could be severe at all or a prolonged one, or a general one? As the strike proceeds, more and more labourers come in and more and more organisations come in and it is the totality of the effect from which it may not be difficult for a Court of Law ultimately to judge that the effect is that the hardship has been caused, but for those who struck for the first time, or the second time, or the third time, when the effect was not so great, it is impossible to judge beforehand what other organisations are coming into the field, and what other labourers are joining in the movement, so that it is physically impossible to predict, or to foretell, what workmen and what organisations will ultimately join the strike, and whether the strike will cause hardship, which is contemplated in clause 16(b). If the whole situation cannot be foreseen at least at the inception stages of a general strike, it becomes impossible for any person to commit this offence, knowingly and deliberately. This clause would make people guilty when they never intended to commit any offence, because, instead of considering the act, this clause considers the consequences. Then, again, Sir, these words "within the trade or industry" are themselves of very doubtful importance. I do not know whether the different departments in the same trade will not be taken to constitute separate trades

by themselves. Spinning and weaving are different branches of the same trade.

Lieut.-Colonel H. A. J. Gidney: Traffic joins in sympathy with loco.

Pandit Thakur Das Bhargava: My Honourable friend suggests traffic and loco. There may be other examples. I know that in clause 3 (a) and (b) an attempt has been made to define particular trades and interests, and the extent to which labourers can strike sympathetically. But I maintain that these two illustrations, or these two examples given in (a) and (b) do not cover up all the possible contingencies that may arise.

Now, Sir, it is not only the penal consequences that will follow in the case of a man for an innocent act of his, i.e., the withdrawal of labour from a particular industry; but the civil consequences also will follow. In clause 16 (2) you find the words that:

"It shall be illegal to commence or continue or to apply any sums in direct furtherance or support of any such illegal strike or lock-out."

Now, as I have submitted, if a strike in its inception is lawful, and subsequently it becomes unlawful as a result of certain circumstances, I do not know how that strike, which was originally lawful, could be declared illegal from the very commencement, purely from the accident of its continuance, as we find according to the words contained in clause 16 (2). Further, this clause makes an encroachment of a very dangerous character into the civil law of India. We all know that a person is liable to damages if he behaves in a particular manner to the detriment of another person. But in this case, a person is liable to damages, not because of his own act, which is innocent, but because, by a fiction of law, that act, although innocent, is fraught with penal consequences. I want to know, Sir, on what principle of law it is justifiable to say that a person, who does not want to work, should be made to pay damages. If his act is innocent and yet it is capable of being penalised in this manner, as contemplated in clause 16 (2), and also clause 18, it is abundantly clear that these provisions of clause 16 (2) and clause 18 are unjustifiable and mischievous.

From all these standpoints, Sir, I submit that legally speaking, this clause 16, and also clauses 17 and 18, contain provisions of a most dangerous character and encroach upon the domain of sacred individual rights. Perhaps, if there is a peculiar situation in the country, I can understand those individual rights may be sacrificed in cases of emergency, in order to safeguard the rights of the community as a whole. But there is absolutely no justification for taking away individual rights for a contingency which nobody can foresee. A perusal of clause (3) of the Bill would establish that it is not in the power of any one party to compel the Government to refer disputes to a Court of Inquiry or to a Board of Conciliation. Now, Sir, it may happen that a strike takes place, which involves, say, 5,000 workmen, and the Government sleep over the matter; they do not take it into their heads to refer the trade dispute to a Board of Inquiry or to a Conciliation Board. What would happen then? The situation will grow from bad to worse and will continue to develop, and the Government will sit tight over the matter, a situation to the development of which the Government will be a party, by not taking any action.

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and by its supineness, with the result that it will end in penalising innocent people. If there is a trade dispute, the extent of which will inflict great hardship upon a community, even then it is not obligatory upon the Government to refer the matter to a Court . . .

Mr. Deputy President: Does the Honourable Member want to speak long on this motion? If we cannot finish this debate today, then I think we had better resume it tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 6th April, 1929.

LEGISLATIVE ASSEMBLY.

Saturday, 6th April, 1929.

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

QUESTION AND ANSWER.

Mr. President: Dr. Moonje.

Dr. B. S. Moonje: Question No. 1452, Sir.

Mr. M. K. Acharya: On a point of order, Sir, I wish to submit this. As a result

Mr. President: Order, order; this is question time.

GRANT TO INDIANS OF COMMISSIONS IN THE ARMY IN INDIA RESERVE OF OFFICERS.

1452. ***Dr. B. S. Moonje:** (a) Will Government please state if it is a fact that commissions in the various categories in the Army in India Reserve of Officers have been granted to suitable Indians and if so, to how many Indians and in which categories?

(b) What particular technical knowledge is regarded essential for candidates to be considered suitable for appointment to commissions in any particular category?

(c) Is it a fact that a minimum service of six years in an infantry corps is one of the essential qualifications for eligibility to such appointments?

(d) If so, are Government aware that most of the members of the University Training Corps can put in only four years' service, for after graduating they leave the University and consequently have also to leave the University Training Corps?

(e) To remove this hardship, do Government propose to amend the rule so as to prescribe only four years' service in place of six years' service?

Mr. G. M. Young: (a) Yes. The total number of Indians holding Commissions in the Reserve of Officers is 265. Of these, 9 are for service on staffs. 7 in Cavalry, Tank Corps and Remounts, 2 in Engineers, 12 in Infantry, 35 on Miscellaneous duties, 2 in the Indian Army Service Corps, 1 in Ordnance Factories, 193 in Medical and Dental Services, 3 in Veterinary Services, and 1 in Railways.

(b) Technical knowledge is required for Commissions in the categories of Engineers, Medical and Dental, Veterinary and Railways.

(c) No, Sir; some previous military training is necessary, but no fixed period is laid down.

(d) and (e). Do not arise.

UNSTARRED QUESTIONS AND ANSWERS.

DELAY IN THE GRANT OF TRAVELLING ALLOWANCE TO DUFFRIES AND PEONS OF THE MEDAL SECTION, ARMY DEPARTMENT.

494. **Pandit Nilakantha Das:** (a) Is it a fact that some duffries or chaprasis of the Medal Section applied for their travelling allowance in November, 1926?

(b) If so, when was that application received, and when was the case taken up for necessary action? Will Government be pleased to say whether it is a fact that no action was taken within a year or more from the date of submission of the application? When did the men, and how many of them get the money? Why was the full benefit of the travelling allowance not granted to the men of the Medal Section at the time of the transfer of the office from Calcutta?

Mr. G. M. Young: The information is being compiled, and will be supplied to the Honourable Member when it is ready.

DELAY IN GRANT OF FAMILY TRAVELLING ALLOWANCE FROM CALCUTTA TO DELHI TO TEMPORARY MEN IN THE MEDAL SECTION, ARMY DEPARTMENT.

495. **Pandit Nilakantha Das:** (a) Is it a fact that, even the temporary men of the Medal Section have recently got their family travelling allowance on account of the transfer of the office from Calcutta?

(b) If so, why were they not given the allowance before when the rules permit?

(c) Did Mr. B. B. Sur and Mr. S. N. Das get their family travelling allowance? If not, why not? Did they not apply for it?

APPOINTMENT OF JUNIOR ASSISTANTS IN CHARGE OF SECTIONS OF THE ARMY DEPARTMENT.

496. **Pandit Nilakantha Das:** Is it a fact that important sections of the Army Department have been placed in charge of junior Assistants? If so, why? Are the senior Assistants considered to be unworthy and incompetent for such posts?

Mr. G. M. Young: The answer to the first portion is in the negative. The rest of the question does not arise.

GRANT TO THE MEDAL SECTION OF LEAVE, HOLIDAYS, ETC., ENJOYED BY THE REST OF THE ARMY DEPARTMENT.

497. **Pandit Nilakantha Das:** (a) Do the men of Medal Section get all the privileges with regard to leave, holiday, allowances, etc., as the men of the parent office, Army Department?

(b) Was the Medal Section closed in memory of the late Sir Alexander Muddiman? If not, why not? Was not the Army Department closed on that occasion?

(c) Is it a fact that, sometimes in the past, in the summer of 1927 the men of the Army Department used to get holidays on the last Saturdays of the months? If so, was this privilege extended to the men of the Medal Section who were suffering from the extreme heat of New Delhi? If not, why not?

† For answer to this question, see answer to question No. 494.

CONFIRMATION OF DUFFRIES AND CHAPRASIS OFFICIATING IN THE MEDAL SECTION, ARMY DEPARTMENT.

498. **Pandit Nilakantha Das:** (a) Is it a fact that permanent posts of duffries and chaprasis in the Medal Section have not yet been filled in although sanction for such posts was obtained about two years ago?

(b) If so, why are the men who are officiating in these posts not being confirmed? Have they to qualify in any examination?

LIST OF UNQUALIFIED MEN CONFIRMED IN PERMANENT VACANCIES IN THE MEDAL SECTION, ARMY DEPARTMENT.

499. **Pandit Nilakantha Das:** Will Government be pleased to furnish an up-to-date list of unqualified men entertained and confirmed in permanent vacancies in the Medal Section?

RETRENCHMENT OF CLERICAL POSTS IN THE ARMY DEPARTMENT.

500. **Pandit Nilakantha Das:** (a) Is it a fact that three Upper Division and three Lower Division posts in the Army Department will not be filled in in the event of vacancies?

(b) Is it in pursuance of any general scheme of retrenchment?

(c) If so, will Government be pleased to state why 10 fresh posts in the Upper and 15 fresh posts in the Lower Division were sanctioned in March last year?

THE PUBLIC SAFETY BILL—contd.

(POINT OF ORDER).

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, may I, with due deference, ask you to let us know when you intend to give your ruling on the matter which was discussed in this House yesterday, because Government is quite anxious to know about your ruling so that they can settle their business for next week?

Mr. President: I should like to know what the business for the next week is; Government have so far not approached me for sitting next week.

The Honourable Sir Bhupendra Nath Mitra: Sir, in the absence of the Leader of the House, I desire to make a statement as to the course of Government business for the rest of the session. I am not at present in a position to say how many days will be required for the completion of our business. I would therefore request you, Sir, to direct that beginning from Monday the 8th the House should sit daily until the remaining Government business is concluded. I have to draw your attention, Sir, to the fact that the Trade Disputes Bill will, if passed by this House today, be laid on the table of the other House on Monday. In view of the possibility of amendments being made by the other House and of the necessity of the Bill being passed by both Houses before we leave Delhi, it will, in any case, be necessary for this House to remain in session here until it is known how the Bill has fared in the other House. The rest of the Government business, as I have already indicated to you, Sir, is dependent on your ruling on the matter which was discussed yesterday.

† For answer to this question, see answer to question No. 494.

Mr. President: That means that this House must be kept going till Thursday next; is that the idea of the Government?

The Honourable Sir Bhupendra Nath Mitra: Well, Sir, that looks probable at the least.

Mr. President: I do not know whether Honourable Members are willing to sit till Thursday.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Mr. President, I do not think there is really any risk of the Council of State making any amendments in the Trade Disputes Bill. I think it is a mere speculative statement, and I think, as far as I can understand it, Sir, the whole object of the Government is to bring up this Public Safety Bill which depends entirely upon the ruling of the Chair. If the Chair's ruling is one way, there will not be any further Government business; but if the Chair's ruling is the other way, of course there will be. Therefore, as a matter of fact I submit this reference to the Trade Disputes Bill is purely obiter—it is really a cover for something else; I do not think that we need detain the Assembly for a length of time; of course it is not as if we have not come from very far away places. It is all right for the Government to stay at Delhi as long as they please but, Sir, you should consult the convenience of all sections of the House; and it is in your hands, to a certain extent, to see whether the House should sit indefinitely at Delhi for the purpose of such nebulous and theoretical Government business as they may bring forward.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, on the last occasion when Mr. Crerar announced the statement of business before the House, the only statement he made on that occasion was that this House will sit as long as it was necessary to complete the passing of the Trade Disputes Bill and the Public Safety Bill. So Sir, every one of us was given to understand very definitely that, with the ending of that business, our business, at least as far as the present sitting is concerned, would end. I do not see why Government should now seek to say that there is going to be something next week so far as this Trade Disputes Bill is concerned. As our Leader has pointed out, there is absolutely not the faintest chance of the Council of State trying to introduce amendments when any attempt to introduce even the most attenuated amendment on this side of the House has failed to break the strength of the Government. So Sir, that is certainly a wholly theoretical position; and if such an extraordinary contingency occurs, the Government can find a way of getting on with their business. In that state of things therefore I submit that there is no Government business that can be put before the House, or that ought to be put before the House other than those which Mr. Crerar, the Leader of the House, told us last week was the business of the Government pending before this House.

Sir Darcy Lindsay (Bengal: European): Sir, the main point appears to me to be as to what is the decision which you have arrived at in regard to the Public Safety Bill. I also agree with the Honourable Sir Bhupendra Nath Mitra that it is not proper for the House to dissolve before the Council of State have finally disposed of such matters as this House refers to them.

Now, Sir, on the point of order, I, on behalf of my Group, very strongly urge upon you to give that ruling at once. If you have arrived at your conclusions, I maintain, Sir, that it is only just to the House that you should acquaint the Members with your decision. We have got to make our arrangements, Sir; I personally, at very considerable sacrifice, had to cancel my passage to England by the steamer leaving today.

Mr. President: I am very sorry to hear that.

Sir Darcy Lindsay: I, Sir, as one of your panel of Chairmen, thought it my duty to remain in Delhi in order to give you, Sir, such advice as within me lay: whether you accept it or not, it is of course for you to decide.

Mr. President: I am grateful to the Honourable Member.

Sir Darcy Lindsay: But I, with all good intention, have remained to give you that advice. Now, Sir, it is on account of the convenience of the Members, that I ask you to give your decision at the earliest possible moment. But, Sir, there is another point. I am very jealous, Sir, of your good name. We have been good friends all our time, and I do dislike intensely the lobby gossip, the newspaper gossip about you.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Where is the newspaper gossip?

Sir Darcy Lindsay: I have it here in my hand.

Diwan Chaman Lall: Will the Honourable Member read out from the paper?

Mr. President: Order, order; this is all irrelevant.

Sir Darcy Lindsay: Well, Sir, the point I wanted to make was that the gossip of which, Sir, you have taken notice in the Simla session, is to the effect that it is your intention to defer your ruling until all the business of the House comes to an end.

Mr. President: Press gossip is not relevant.

Sir Darcy Lindsay: I wished to bring this point of the gossip to your attention. I for one have stoutly denied any such intention on your part; and I am quite certain that it is farthest from your thought . . .

Mr. President: I think the Honourable Member, in all fairness to the House, will recognise that the Government should tell the Chair what their plans are, in the event of the ruling going against them, in order to enable the Chair to make its statement.

The Honourable Sir Bhupendra Nath Mitra: It is hardly fair for you, Sir, to ask me, nor would it be possible for the Government to make any statement of their intentions in the event of something hypothetical happening.

In regard to the statement of business next week, I should like to remind the House that what the Honourable Mr. Crerar said was that the Government wanted the House to continue to sit until the whole business on the agenda was completely disposed of. Now, the business connected with the Trade Disputes Bill will not be completely disposed of until we know what is going to happen in the other House. (*Some Honourable Members on the Congress Benches:* "No, no".) That is my submission.

[Sir Bhupendra Nath Mitra.]

The next point is this. Government cannot make any statement in regard to the other business, or to matters arising out of that business, until they are in a position to know definitely about your ruling.

Mr. M. Keane (United Provinces: Nominated Official): Sir, as several Honourable Members have spoken on this matter, I should like to say, in a few words, frankly what the position appears to be to some of us, apart from the Government, and apart from any ideas that the Opposition may have. My difficulty and the difficulty of several others here is that, as far as we know at present, the question that was originally proposed from the Chair in regard to this business of the Public Safety Bill, namely, that the Bill be taken into consideration, that question is still before the House. It has not yet been disposed of. I would draw your attention, I am sure you know it, to Standing Order 30, which lays down that every question requiring the decision of the Assembly shall be brought—it is a mandatory thing—shall be brought forward by means of a question put from the Chair on a motion proposed by a Member. That has all been done. The motion has been proposed by a Member, a Member of the Government. (*An Honourable Member*: “And not from the Chair.”) A motion has been moved by a Member of the Government. On that motion a question is proposed or is taken to be proposed from the Chair. That question is actually before the House, so far as I know, and the Government of India Act definitely lays down, in the most unequivocal way, section 63 (D) I think it is, that every question proposed from the Chair,—this is entirely apart from your ruling on any matter—that is not a question at all, it is a ruling on a point of order,—I am speaking of a question, the question before the House, and as I was saying, the Government of India Act says in so many words, that every question shall be decided by a majority of the votes of the House. That question is still before us; it concerns the business or the course of business that is before the House. The Honourable Sir Bhupendra Nath Mitra mentioned . . .

Mr. President: The Honourable Member is making a speech which he should have made yesterday.

Mr. M. Keane: I am speaking on the business that the Honourable Sir Bhupendra Nath Mitra has stated is before the House. I am not making a speech on the merits, because if I were to make a speech, I might say, apart from the legal arguments that we listened to so long yesterday, the real point before me and others of my way of thinking was that there is a definite provision of law that the Legislature has power to legislate for every person and every thing in British India. If I were to make a speech, I would simply say that much, but as far as our business is concerned, I want to impress on you that, so far as I know, according to the rules, according to the Government of India Act, there is this business still before the House, namely, the question proposed from the Chair, and under the Government of India Act that question has to be resolved by a majority of the votes of this House. Frankly I must submit that I am in difficulty about it.

Mr. President: I will answer the difficulty of the Honourable Member. Although a question has been proposed from the Chair, if the Chair finds that the motion on which that question is based is out of order, that question falls.

- **Mr. M. Keane**: It seems to me, Sir, that the question was actually proposed and was before the House. If a slip is made, the remedy is, for I take it you would not be against the will of the House if the whole House expressed itself that there should be . . .

Mr. President: The Honourable Member, who was President of a Legislative Council, knows well that very often questions are proposed from the Chair, but points of orders are raised subsequently and then the original motion is ruled out of order.

Mr. M. Keane: I do not wish to argue with the Chair, but the original motion would have to be withdrawn, or be put to the House under the Government of India Act for the majority of the House to decide.

Mr. President: In view of the fact that the Government are not prepared to disclose their plans to the Chair, in order to enable the Chair to make any statement, I refrain from making any statement.

THE TRADE DISPUTES BILL—*contd.*

Mr. President: The House will now resume consideration of the Trade Disputes Bill clause by clause.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): On a point of order, Sir.

Mr. President: Is it in connection with the Trade Disputes Bill?

Mr. M. K. Acharya: Yes, Sir.

Mr. President: Is it in connection with the amendment that is now before the House?

Mr. M. K. Acharya: Yes, Sir. My point of order concerns the discussion on the Trade Disputes Bill, that is now going on. I do not wish to waste your time or the time of the House but the question now before the House . . .

Mr. President: The Honourable Member will state the point of order and nothing else.

Mr. M. K. Acharya: The point of order is whether we can proceed to discuss a later motion on the agenda while an earlier one has not yet been withdrawn, or otherwise disposed of.

Mr. President: I give the ruling that it is perfectly in order in this case.

Mr. M. K. Acharya: May I know under what rule or standing order?

Mr. President: The Honourable Member will resume his seat. The Chair has given its ruling. Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): Sir, yesterday, I was submitting that if there is a trade dispute, the extent of which will inflict great hardship upon the community, even then, it is not obligatory upon the Government to refer the matter to a Court of Inquiry, or Conciliation, and the Government may watch the situation sullenly without moving their little finger. The Bill further provides that if

[Pandit Thakur Das Bhargava.]

there is an apprehension of a trade dispute, even then the Government is competent to refer the matter to a Court or a Board. It stands to reason that, when such large powers are being given to the Government, the Government should make for and ordain conditions in which the general strike may become impossible, and if despite conferment of those powers, the general strike is possible or imminent, the Government should be held accountable for losses and injuries to labourers and employers. Instead of a provision like that, which would be a natural corollary from clauses 1 to 14, we have here this provision of clause 16, which arms the Government with still greater powers, and they get a premium for their contributory negligence in the matter. Sir, the other argument that I would place before this House is that this provision in clause 16 is productive of more mischief than good, because, according to it, if there are two disputes in two different trades, then a strike of two sets of workmen in those trades is quite legal. From this it would follow that people would try to manufacture and create disputes in order to justify sympathetic strikes, and in every trade and industry it is not difficult to manufacture disputes. The contingency is obvious and I need not labour the point. Another reason which I would submit for the consideration of the House is that this provision of clause 16 will solidify and stereotype the caste system. Now, if all the shoe makers in India went on strike, their strike would be perfectly legal, but if a goldsmith or an iron-smith went on strike sympathetically then that strike would be illegal, provided other conditions are satisfied. I submit that the spirit of exclusiveness, immobility, and rigidity of the caste system which we want to exorcise from our national life this bill seeks to encourage. In India not unoften inherited caste is a synonym for particular trade.

Lastly, I would submit that it is a class measure of a very pernicious kind. It is plain, if the words community and general have their ordinary dictionary meanings, that unless and until 90 per cent. of the population is affected by the strike, that strike cannot come within the mischief of this clause. It is clearly a measure in the interests of a microscopic minority and against the generality of the workmen. I would therefore submit that this clause should not be passed.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I am sure that this House will feel grateful to my Honourable friend, Diwan Chaman Lall, for having helped it to exhibit to the public eye that the House took a considerable amount of time to deal with this important clause, and did not dispose of it in a somewhat light-hearted manner in a short period of a couple of hours or so, while in the House of Commons a debate on a somewhat similar question lasted for days and days. I am afraid, however, that when the public scan through his speech critically, they will feel that there is little of substance in it, and of relevancy to the present day conditions of India. Any Member of this House, or of the public, who has read, or may care to read, the record of the debates in Hansard, will realise that my friend, Diwan Chaman Lall, was trying to regale this House with a summary of certain speeches made in the House of Commons in connection with the second reading of the Trade Disputes and Trade Unions Act, 1927, overlooking the fact that the circumstances in this country are quite different from those in England. Thus he talked cheerfully of the Transport Workers' Unions,

and the nationalisation of mines, though an experienced trade unionist like him should have realised that those things do not exist in India at the present moment and are not likely to come into existence in the next five years, that being the period for which the Bill before the House will be in operation. He referred, in the course of his speech, to an open challenge thrown out by the Labour Party that, once they came into power, they would throw out the Trade Disputes and Trade Unions Act of 1927 from the Statute-book. I do not know when that state of things will be reached in England; but as I have already said, this Bill, according to one of its provisions, is intended to cover a period of five years only, and after that space of time, it will be open to this House to reconsider the provisions of this Bill. Further, I am afraid that the public, when it has an opportunity of studying closely the speech of my Honourable friend, will be inclined to feel that the prolongation of the debate has resulted only in needless waste of money of the community at large, to whose interests my Honourable friend and his supporters appear to be so blind. At any rate, this is the impression left on my mind, and I do claim to have made the question the subject of serious study, after listening to the speeches with great patience, though the drain on my time thereby entailed does not entitle me to any overtime payment which would be admissible under my Honourable friend's 8 hour day schemes.

Now, Sir, it seems to me that my Honourable friend and many of his supporters have failed to realise the object and the effect of this particular clause 16 and the consequential clauses. Clause 16 makes certain classes of strikes and lock-outs illegal. Now, Sir, as I said the other day, mere cessation of work is the fundamental right of the workman, but a strike does not necessarily mean a mere cessation of work. Strike is accompanied by certain other elements like intimidation, picketing, tortious acts, etc., which, unless they were specifically protected by the community by specific legislation, would come under the mischief of the conspiracy acts. I should like my Honourable and gallant friend, Colonel Gidney, who unfortunately is not here at the moment, to take particular note of that position. I think he said yesterday that all strikes are legal unless they are declared to be illegal. Undoubtedly strikes are legal if the word strike is intended to mean mere cessation of work, but the other elements so painfully attendant on a strike are illegal unless, as I said, they are made specifically legal by a concession from the community. My Honourable friend, Diwan Chaman Lall, in his usual hysteric speech, characterised this clause 16 as slave legislation, because, according to him, if a man refuses, in concert with his fellowmen, to engage in any particular employment for the reason that he wishes to go on a sympathetic strike to help his fellow workers, and thereby to cause hardship to the community, in order to compel Government to do, or not to do, certain things, then his action will be penalised. But, Sir, if he had only read the proviso to clause 17 of the Bill, he would have seen that cessation of work, refusal to continue to work or to accept employment, does not, under the proposed Act, constitute a penal offence. That is the sort of misleading information which my Honourable friend has been trying to place before the House in order to create an atmosphere against this particular measure.

Now, Sir, as I have failed to discover in the speeches of my Honourable friend, Diwan Chaman Lall, and of his supporters any arguments of substance in support of the amendment before the House, or any serious

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LEGISLATIVE ASSEMBLY.

[6TH APRIL 1929.]

[Sir Bhupendra Nath Mitra.]

attempt to refute the arguments which I have already placed before it, I do not propose to take much of the time of the House over the matter. I shall simply reiterate and summarise the arguments which I used in the Select Committee, with the result that I brought round a large majority of that body in favour of the principle underlying clause 16, and which have been placed from time to time before this House also. These arguments are:

Firstly, the workman does not possess a natural or inherent right to strike as distinct from the right to stop work. The statement that has been made is not a dictum of my own manufacture but, as I have already stated, it is based on publications of the International Labour Office, Geneva.

Secondly, the right to strike, including an immunity from punishment against cases of conspiracy, where it is conceded by the community, is not an absolute right enjoyed under all circumstances by all workmen without distinction. And in conceding the right, the community and the State, as the protector of its interests, are fully entitled to provide such safeguards as they may consider to be essential for the purpose. With this object, strikes may be prohibited in certain undertakings of an essential character, or even in general where special circumstances exist. Here, again, the statement is based on, and is indeed mostly copied from, publications of the International Labour Office.

Thirdly, I do hold that any measures intended to restrain a workman from taking any hasty action which might alienate from him the sympathies of a substantial part of the community, and might thus impede the achievement of his goal in the matter of improvement of his conditions of living and work, are calculated to be in the best interests of the workmen himself.

Now, Sir, in this connection I should like to refer to a point—a mathematical point if I may so call it—which was raised by my respected friend, Mr. Kelkar. That point struck home to me because in my college days I was a student of mathematics, and was considered to be a distinguished student. (Hear, hear.) I do not want to boast, but I stood first with first class Honours in the B. A. examination of that particular year. My friend said that the factors on the part of the worker were—number, swiftness of action, combination and public sympathy. Now, this particular provision is calculated to array on his side, to the fullest extent, that public sympathy. It is a matter of regret to me that my Honourable friend did not come to help us in the deliberations of the Select Committee, for if he had come, I have no doubt I would have been able to persuade him, as I managed to succeed in the case of others, about the soundness of my case.

Mr. N. O. Kelkar (Bombay Central Division: Non-Muhammadian Rural): I was not put on this Committee.

The Honourable Sir Bhupendra Nath Mitra: That is what I have said. Now, my Honourable friend, Mr. Kelkar, assumed that public sympathy would always be on the side of the workmen because he was the weaker party. With due deference to my Honourable friend, I may say, from the result of actual experience, that that is not the fact in all cases, because there are cases where the strike is actually engineered by men who

have not the interests of the workmen at heart, and the poor workman has to suffer because of the fad of some hot-headed and wrong-headed individual. In cases of that sort the public sympathy always goes against the workman. I shall for the information of my Honourable friend, and of this House, mention two of the incidents of which I have personal experience. It was in March 1922 that I spent, at the holy station of Baidyanath in the Santhal Parganas, a couple of months' holiday. At that time the *Sivaratri* festival was on, and day after day, when I used to take my morning walks, I used to come across numbers of villagers bound on that pilgrimage and shouting "*Jai Baba Baijnath, Jai Mahatma Gandhi*". That went on for three or four days. One day I was surprised to hear that they were shouting only "*Jai Baba Baijnath*". So I got hold of one of these people and had a talk with him in Hindustani. I shall translate the substance of that talk in English. I asked the man: "Why is it that you have dropped your *jais* for Mahatma Gandhi?" The answer he made was "Sahib. I do not know what the Mahatmaji has done, but he has somehow or other started a strike on the railway, and now we have got to walk for miles before we can reach our place of pilgrimage on an important occasion like this. Therefore, I have decided to place my faith only in Baba Baijnath."

Mr. N. C. Kelkar: And Baba Baijnath, I suppose, remedied his grievances. (Laughter.)

The Honourable Sir Bhupendra Nath Mitra: That is more than I can say. I can mention another instance, of which my Honourable and gallant friend Colonel Gidney is fully aware, though at the present moment he is not in the House. This was in the year 1925. A certain class of employees in a public utility service decided to go on a lightning strike, though they had been guaranteed by their employer relief against the specific grievances they could urge. In spite of that, they decided to go on a lightning strike. The result was—I am pretty certain that my Honourable friends from Calcutta will recollect the incident—that it deprived them of all public sympathy.

Therefore, Sir, it is not in all cases that the sympathy of the community works in favour of the unfortunate workman, and it is with a view to secure the object which is in the heart of my respected friend, Mr. Kelkar, and also in my own heart, that the provision in clauses 16 and 17 has been introduced. As I have already explained, those provisions will not in any way injure or penalise the man who simply stops his work. They will undoubtedly penalise the man who "declares, instigates, incites others to take part in", etc., that strike; and that action, if I may say so, has the support of no less a person than my Honourable friend, Diwan Chaman Lall. He said, in this House on Wednesday, and I took down some of his words immediately, and I have had them checked through the courtesy of the Secretariat, never in his whole experience of the labour movement, lasting over nine years, had he instigated a strike and he said: "I cannot conceive of a man who could go out of his way and act criminally in this fashion, that is, to instigate a strike."

Now, Sir, that is the man we want to catch, and I am pretty sure that I will have the support of my friend, Diwan Chaman Lall.

My fourth argument is that this particular measure, and connected measures, will help to foster the development of trade unions in India on

[Sir Bhupendra Nath Mitra.]

the right lines. We have not in India reached a state of affairs yet, when we can get combined unions of transport workers and things of that sort. Here again, what I am telling the House is the result of experience, and one of my Honourable friends opposite will be able to bear me out that what I am telling the House is the absolute truth. In the city of Calcutta there are numbers of press employees working under different employers, the employers in some cases being Government, and in other cases private individuals, and some of them actually work in a department under my control. If these unfortunate people were allowed to have their own way, they would form—that is those who are working in that press under my control—they would form themselves into their own union, like the Postal people, about whose achievements most of my Honourable friends are aware. If they had done so, and placed their grievances before me, I am sure they would have got reasonable remedies. As a matter of fact, on one occasion, when they did place their case before me, I gave them the relief which to me seemed to be adequate. But that solution did not suit the book of a particular gentleman, who wanted to make his name in the trade union world of India. He said, "No, you must not do this." He got hold of one group of employees serving under one particular employer, another group serving under a different employer, a third group serving under a third employer, and wanted to form them into a big union. Now with whom was that union going to negotiate? I hold that if trade unions are to be formed in India on proper lines, we must start with the small units. That is the only way that a trade union can be formed.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): On a point of order, Sir. Are we dealing with clause 16, or are we dealing with the formation of trade unions?

The Honourable Sir Bhupendra Nath Mitra: I am explaining my fourth argument and I hope you will declare it perfectly relevant.

I think the point I was on was that the proper way of forming trade unions in India is to start from the small units, and after they have developed themselves, you may have your larger unions. This Act will be in operation for 5 years, and if my friend, Diwan Chaman Lall, will, within those five years, have managed to form those small units, he will have earned the eternal gratitude of these unfortunate workmen. The force of my line of argument was recognised by one of his colleagues sitting on those Benches and resulted in his taking a particular line of action, on which I shall not dwell further.

Now, Sir, I want to say a few words about the wording of this clause 16. Honourable Members are aware from the italics in the clause, that the clause as it now stands is not what was originally drafted by me, but was largely amended by the Select Committee. Now in regard to the wording of clause 16 (1) (b), my Honourable friend, Diwan Chaman Lall, made this observation. There was once a very famous writer, who said the devil himself did not know the mind of man, and from that he wanted to draw the metaphor that, in this case, he did not know the mind of Government. My difficulty with my Honourable friend is this, that he can never take things seriously. If he had carefully followed the discussions in Select Committee, he would have realised that this did not disclose the

hand of Government, but that it disclosed the hand of a Member of his own Party, who at the present moment is not in his seat and . . .

Mr. S. Srinivasa Iyengar: Those which are not in the Select Committee Report are not in order.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): What disclosed the hand of my Party?

The Honourable Sir Bhupendra Nath Mitra: And if there is any metaphor applicable to the case it does not apply to me.

In connection with that clause, my Honourable and gallant friend, Colonel Gidney, asked me two questions. This is his first question. Would the demonstration of displeasure of a certain act on the part of his employer by a railway workman, by calling a general strike for one day, be an illegal strike? Now, Sir, it was really to rule out cases of that sort that the clause was amended and brought into the form in which it now stands, and that is my answer to my Honourable and gallant friend.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians). A day's strike is not included in that and is not an illegal strike?

The Honourable Sir Bhupendra Nath Mitra: A day's strike is not included because that is not designed to "inflict severe, general and prolonged hardship upon the community." The second question which my Honourable friend put to me had something to do with the Welsh system of causing railway strikes. I gave him a provisional answer, and thereafter I listened to the whole of his statement. It left me entirely befogged, because I could not discover that the facts revealed a cessation of work, and as there was no cessation of work, there could be no strike.

Lieut.-Colonel H. A. J. Gidney: If you detain a train at a way-side station for two hours and this is repeated all down the line will it not disorganise and stop the work?

The Honourable Sir Bhupendra Nath Mitra: That is not cessation of work on the part of the workmen.

Now, Sir, various gentlemen have raised various points in connection with the wording of this clause, rather a portion of it, *viz.*, clause 16 (1) (b), I can only say that the wording was very carefully checked by my Honourable colleague the Law Member, and an eminent and learned Member of this House, Mr. Jinnah, and both of them certified that there was nothing wrong with the wording. That being so, I am quite content to take on trust the verdict of these distinguished luminaries of law as against the doubts which have been entertained by some other Honourable Members of this House.

I think, Sir, I have dealt with all the substantive matters which it is necessary for me to deal with, and I must wind up by definitely opposing the amendment of my Honourable friend.

Mr. President: The question is:

"That clause 16 stand part of the Bill."

The Honourable Sir Bhupendra Nath Mitra: Is it that the clause stand part of the Bill, Sir? Or is it the amendment that is put?

Mr. President: It is in the discretion of the Chair to put either. The question is:

"That clause 16 stand part of the Bill."

The Assembly divided:

AYES—55.

Abdoolja Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr. A. H.
Gidney, Lieut. Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyed.
Ismail Khan, Mr. Muhammad.

Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimulla, Mr. Fazal Ibrahim.
Raiyy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir

NOES—42.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Malaviva, Pandit Madan Mohan.
Mehta, Mr. Jannadas M.
Misra, Mr. Dwarka Prasad.

Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananiava.
Singh, Mr. Gava Prasad.
Singh, Mr. Ram Narayan.
Singh, Mr. Rajivaranjan Prasad.
Singh, Mr. Sidheshwar Prasad.
Tirloki Nath, Lala.
Yusuf Imam, Mr.

The motion was adopted.

Clause 16 was added to the Bill.

Mr. President: Now, I will go back to clause 2. The question is that 12 NOON. clause 2 stand part of the Bill.

Colonel J. D. Crawford (Bengal: European): Sir, I have an amendment in my name, No. 13, that:

"In sub-clause (g) (i) of clause 2 of the Bill, after the words 'any railway', the words 'or Inland Steam vessel' be inserted."

But I would, with your permission, Sir, put it as "Inland steamer service" instead of "Inland Steam vessel".

The House, Sir, has accepted the principle that workers in public utility services are in a different category from workers in ordinary services; and I think we have to consider very carefully what are and what are not public utility services. It is a matter of surprise to me that Government have not themselves included the inland steamer services. I can understand a railway service being a public utility service, because food supply in big towns like Calcutta is entirely dependent upon the railway service. If that railway service ceases for a week, the population of a big town like Calcutta would be starving. But, Sir, there is a similar position in the mofussil. For instance, take the Brahmaputra valley. There are districts there which are practically entirely dependent for their food supplies upon the steamer services, and again there are steamer services connected with the railway services. Take for instance the steamer service from Goalundo to Chandpur. These are essentially, to my mind, public utility services. They may not be as important as the railway service, but people in the mofussil may be inclined to say that, because the Government of India is fed by railway services, it has nothing to do with the steamer services; it won't care about big mofussil towns, so long as it will make its own position all right. I know, Sir, that the Select Committee came to an agreement after considerable discussion on these questions, and I do not like to upset, in any way, that agreement. But I do want to know whether the Government will consider this matter that the Inland steamer service also is a public utility service and whether they will undertake to introduce a further amending Bill, if they cannot accept my amendment now, at a later stage after due consideration.

The Honourable Sir Bhupendra Nath Mitra: Sir, personally, my feeling is in favour of the amendment moved by my Honourable and gallant friend Colonel Crawford. I am however labouring under a peculiar difficulty in this matter, and I am pretty sure my gallant friend will appreciate my difficulty. The Bill as it emerged from the Select Committee was a sort of compromise, and I feel that I would be failing in my duty to my colleagues on the Select Committee, who helped me in securing this compromise, if now I were to accept and get through this amendment which my Honourable friend has moved with the support of the Government votes. That being so, I must, with regret, oppose the amendment. The Bill now before the House does not give the Government automatic power to declare what is a public utility service in addition to those specified in the Bill. Therefore, any amendment will have to form the subject matter of a fresh enactment by the House. My Honourable friend's

[Sir Bhupendra Nath Mitra.]

point will be noted for consideration at the stage when Government are in a position to bring in an amending Bill, of course if the Bill now before the House becomes law.

Colonel J. D. Crawford: Sir, in view of the Honourable Member's statement that he is prepared to consider an amending Bill at a later stage, I would, with your permission, and the permission of the House, like to withdraw my amendment.

The Amendment was, by leave of the Assembly, withdrawn.

Diwan Chaman Lall: Sir, I move that:

"In sub-clause (j) of clause 2 of the Bill, after the words 'between employers and workmen' the words 'or between employers and employers' be inserted."

Because, Sir, it is conceivable that a particular dispute may arise not only as a result of dispute between the employers and workmen or workmen and workmen, but also as a result of a dispute between employers and employers.

The Honourable Sir Bhupendra Nath Mitra: Sir, this point was decided in the Select Committee, and we did not feel the necessity for making this amendment, as it is inconceivable that there might be a dispute or difference between employers and employers, which would be connected with the employment or non-employment or the terms of employment or the conditions of labour of any person. We accordingly came to the conclusion that the addition proposed by my Honourable friend, Diwan Chaman Lall, would be superfluous. I adhere to that opinion, Sir, and I must oppose this amendment.

Mr. President: The question is:

"In sub-clause (j) of clause 2 of the Bill, after the words 'between employers and workmen' the words 'or between employers and employers' be inserted."

The motion was negatived.

Mr. President: The question is:

"That clause 2 stand part of the Bill."

***Sir Hugh Cocke** (Bombay: European): Sir, before you put this motion, I desire to make a few remarks on the question of sub-clause (g) which includes the various services which are ranked by the Select Committee as public utility services. As I mentioned the other day, the tramway service has been excluded. I do not know how it is that with all the scholarship and learning of the Select Committee, (Mr. Gaya Prasad Singh: "Hear, hear"), a large number of men have come to this decision that a tramway service is not a public utility service. In my view it is much more so in many places than the service which provides light. The working man can get on very well without light because he goes to bed early and he gets up at daybreak; but the working man has got to go to his work many miles by tram car, and if he is deprived of his tram service, he is deprived of what is very distinctly a public utility service. I do not say that every tramway service is necessarily a public utility service. There may be tramway services which run only two miles

*Speech not corrected by the Honourable Member.

and it may be very good for workers to walk two miles, although it is perhaps rather hard at the end of the day when they are tired; but, Sir, you know a place called Bombay, and if you have a job in Crawford Market and have to get to that job from Parel, and the tramway service is withdrawn, and there are no motor buses, you have got to stay at home and give up your wage for that day, or you have got to get to your work by a much more expensive means of transit. Therefore I say I do not understand the sense of the Select Committee who decided to omit tramway service from this Bill. I ask for an undertaking from the Government that the matter will be carefully considered and an early amendment of this Bill produced. The Bombay Chamber of Commerce have sent me a telegram on this matter; they are very distressed that, so far as that city is concerned, tramways are to be excluded, and they consider it a very great hardship on the community.

The Honourable Sir Bhupendra Nath Mitra: Sir, my answer to my Honourable friend from Bombay is the same as that which I gave a little while ago to my Honourable and gallant friend, Colonel Crawford. The inclusion of tramways in that particular clause was not agreed to in Select Committee, and that being so, here is an end to the matter for the present, for reasons which I have placed before the House: here again we shall take up the matter for consideration in connection with the first amending Bill, when the Bill now before the House is enacted into law.

Mr. President: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President: The question is that Clause 3 stand part of the Bill.

Colonel J. D. Crawford: Sir, I have got a couple of amendments on this clause

Mr. President: I take it that other Honourable Members do not wish to move their amendments?

Diwan Chaman Lall: I have an amendment, No. 14, before the Honourable Member's amendment; but my experience of this Bill today and yesterday has been such that I consider it absolutely useless to move any further amendments; therefore, Sir, I ask leave to withdraw all my amendments.

Colonel J. D. Crawford: Sir, I am therefore left to move my two amendments Nos. 16 and 21 on the agenda paper, both of which are on very much the same grounds. I move the first, if I may, now: and it is that in clause 3 of the Bill the words "or is apprehended" be omitted. The object of both my amendments is to circumscribe the limit of Government interference in trade disputes. So far as I am concerned, as a man in the street, I often have a feeling that I would like to take the employer and the labour leader or like to see somebody take the employer and the labour leader and bang their heads together hard in the interests of the ordinary citizen.

Diwan Chaman Lal: You are used to that.

Colonel J. D. Crawford: They often exceed what is their right in a strike and cause very considerable inconvenience to the ordinary citizen. I have found, however throughout life, that those who interfere in quarrels are apt, instead of succeeding in their object of bringing the quarrel to an end, only to give it greater force. That I think is the experience of a good many people, particularly in regard to trade disputes. I do not think the interference of Government in big trade disputes at home is any indication that they have achieved the object of bringing these disputes to an early settlement. I know in Madras of an occasion where, not only the Government but also a body of public spirited citizens, tried to interfere, and in both cases, the result was a prolongation of the strike. It is on those grounds, Sir, that I would ask Government to remove those words "or is apprehended". It is very difficult to decide whether a strike is or is not coming on, and Government interference at that stage might actually conduce to bring the strike on, and I think it would be preferable for Government to refrain from action at that stage where a strike is only apprehended. On those grounds I move that the words "or is apprehended" be omitted.

Mr. T. A. Chalmers (Assam: European): Sir, it is not often that this House sees the spectacle of my Honourable and gallant friend opposing the Government; and in this case I was surprised at finding him so inconsistent, not only in wishing to oppose the Government, but in wishing to vote in two entirely opposite directions on the two Bills that are before the House or rather ought to be before the House—the Public Safety Bill and the Trade Disputes Bill. In both cases he objects to the word "apprehend". In one case—the Public Safety Bill—he says "Yes: send this white man away anywhere you like: this man, I apprehend, is going to do something bad and therefore I shall give power to the Government to remove the man from India". On the other hand, when it is a case of a strike and Government are going to apprehend it and to take steps to deal with the strike, he says "Oh, no; the same Government cannot be trusted to do anything under this Act". (Laughter from the Congress Benches.)

Colonel J. D. Crawford: Ingenious.

Mr. T. A. Chalmers: He makes a proviso that, in certain cases where there is a registered trade union, then

Colonel J. D. Crawford: I have not moved amendment No. 21 yet; I am only moving amendment No. 16.

Mr. T. A. Chalmers: I understood the Honourable Member to move both together. What it amounts to is this: that he does think that, in certain circumstances, the Government could take action, that is, if a trade union was organised. Now, we all know that industries in this country are at the present moment, so far as the labour population is concerned, not organised as well as they might be; and it is only when somebody comes to start a trade union, that it starts being organised, and the first step in that organising is to register it. The mere fact of registering a trade union does not mean that it has all the characteristics of a trade union. It means only the first step towards combining them.

and therefore I say that is nothing at the present moment and anyway for the next five years, there is no question of these trade unions being organised and formed so strongly that they can come up to the position of organised trade unions in England. For these reasons, Sir, I oppose this amendment.

***Sir Hugh Cocke:** Sir, I am not sure that I agree with either of my Honourable friends. This point of apprehension was considered by us very carefully in Bombay. We, that is to say, the Bombay Chamber of Commerce, have always held the view that it was wrong on the part of Government, to interfere in a strike, unless Government were definitely asked to do so by one of the parties. But it was felt, when we discussed this last year, that times have changed and that Government ought to have a right to step in, even when a strike is apprehended. It might be in the public interests that they should do so, and I sincerely hope therefore that the power will be used very carefully, because I realise that there may be many cases where Government should not walk into a strike which may be apprehended. It may be very much better that they should not do so. The other case also might apply. The mill strike last year started with nothing at all, or I think on some trivial grounds; but within a few days, there were eighteen points of grievances put down on paper, and the issues became very involved and substantial. It is just possible that, had the Government apprehended that strike, and set up a committee before the strike had actually occurred, it might never have occurred—I do not think it might have been the case because I think there were other elements behind which were determined to have a strike. But I do say that, once the point is reached when the strike is about to commence or has commenced, many more points are brought in. If you could only get down to the few points before the strike occurs, it might be of very material assistance in settling the matter in any case.

The Honourable Sir Bhupendra Nath Mitra: My answer in short to my Honourable and gallant friend from Calcutta would be to refer him to the well-known adage that a stitch in time saves nine. I may say at once that a similar provision exists also in the English law. The point is that a trade dispute in the making, if it is not handled in time, may lead to more serious results than a trade dispute already in existence. It is, therefore, important that the Government or the State, in its capacity as the protector of the community, should have power to take action on the lines contemplated in clause 3 in regard to a trade dispute which is apprehended. It does not follow that the State will intervene, except at the psychological moment. But the power must be there. For that reason, I must oppose the amendment proposed by my Honourable and gallant friend.

Mr. President: The question is:

"That in clause 3 of the Bill the words 'or is apprehended' be omitted."

The motion was negatived.

Colonel J. D. Crawford: I rise to move:

"In clause 3 of the Bill, after the proviso, the following further proviso be added:
'Provided further that where the workmen or any substantial proportion of them belong to a trade union registered under the Indian Trade Unions Act,

*Speech not corrected by the Honourable Member.

[Col. J. D. Crawford.]

1926, no order shall be made under this section unless application in that behalf has been made by the employer or any group of employers who are parties to the dispute, or by such trade union."

My intention, by this amendment, again is to limit the powers of Government with regard to interference. I have no strong objection to Government instituting a Court of Inquiry on its own initiative, provided it is understood from the beginning by both sides that the Court in no way intends to interfere with the progress of the strike, or with the direct negotiations between the disputing parties. Except for the danger of a misunderstanding on this point, I should not object to Government appointing a Court of Inquiry right at the beginning, or even before the actual outbreak of a strike, since I can well conceive occasions when it would be all to the good that the true facts of the dispute and its origin should be known by the public before the issue becomes fogged by the additional grievances which strike leaders so often evolve as they go along in order to keep the strike going. So long, therefore, as the machinery for a Court of Inquiry is set up, I am not seriously concerned whether it can be called into play on Government's own initiative, or only on invitation by one or both of the parties to the dispute. On the whole, it will probably lead to fewer mistakes if Courts are appointed on invitation only. I feel, however, in the matter of Boards of Conciliation, it would be a grave mistake if Government were in a position to appoint such a Board before the parties were ready for it. Government cannot expect to have its finger on the pulse of the dispute, and the people who can best tell the right moment for Government intervention are the parties themselves. Except at those moments, it would be futile to try to force conciliation on the parties. Compulsory conciliation is a contradiction in terms. Even if the parties agreed when faced by the "public opinion", which the Bill aims at using as a weapon, to discuss the possibility of a settlement, any settlement arrived at would probably be half-hearted and therefore only temporary. The procedure would, in any event, be certain to upset the relations between the employer and the employees, for the latter would get the impression that, if they had a grievance, the authority to put it right for them would be Government and not the employer. I do not think too much stress can be laid on this point, for without relations of mutual confidence between master and men, there will never be peace in industry. Those relations are improving gradually and surely. I do not know about Bombay, but I imagine the troubles there have not really anything to do with the "terms of employment" and "conditions of labour". During the recent Bombay Oil Installation strike, which went on for several months, and I believe it was the same with regard to the Fort Gloster Jute Mill strike, I understand the strikers never formulated a single grievance against the companies. In Burma, as I expect elsewhere, the relations between employers and employees are good at the moment, for both have begun to realise that their interests are interdependent and it would be a thousand pities to do anything now to upset those relations. Sir Victor Sassoon, in his minute of dissent, has strongly pressed this point of view on the Government and I do not think that anybody in this House will deny that Sir Victor Sassoon is an employer who has the interests of his labour at heart, and who does all that he can possibly do for them; and I think his experience is one that the House may very well take. . . .

Mr. T. A. Chalmers: Will the Honourable Member explain what Sir Victor Sassoon does for his labourers? (*Some Honourable Members:* "Quite right".) (*An Honourable Member:* "Hear hear".)

Colonel J. D. Crawford: I do not know that I can give full details of the whole of Sir Victor Sassoon's business, but I have the impression that he treats his labour exceedingly well and he has been in close negotiations, I say, with those who seek to be leaders of the labour movement. My Honourable friend, Mr. Chalmers, of course opposes me on this matter. He would like Government interference, because he is one of those people who like to flourish the big stick of Government influence to keep the labour in order. But I do not want to do that. He likes to get the Government no doubt to come along and use its prestige on his labour. I can quite understand his position. (Laughter.) But I do think, in this matter of Boards of Conciliation, it is wiser only to act, and definitely limit the power of Government to act, on the invitation of one or other of the parties except in those cases where the labour is not organised, when I think we should give power to Government to step in on behalf of unorganised labour.

Mr. T. A. Chalmers: Will the Honourable Member always use the big stick when he wishes to conciliate anybody? (Laughter.)

Colonel J. D. Crawford: There is another point. There is grave danger in Government interfering, except on invitation. I may point out that private individuals find that it is sometimes dangerous to interfere in quarrels, and that it is best to keep out of them. If you want an apt quotation on this point, you will find one in Gay's "The Mastiffs":

"Those who in quarrels interpose
Must often wipe a bloody nose."

And I do not want the Government to be in that unfortunate position.

Mr. T. A. Chalmers: Is that a Parliamentary expression, Sir? (Laughter.)

Colonel J. D. Crawford: It may possibly not be parliamentary, but it is very true.

That, I think, is my main contention. It is preferable, in the interests of the settlement of these disputes, to interfere and set up Boards of Conciliation on invitation only. I am not so insistent on Courts of Inquiry, though I am inclined there also to waiting for the invitation, as on Boards of Conciliation. I believe it is in the best interests of the early settlement of disputes, and in the best interests of Government that they should accept my amendment.

The Honourable Sir Bhupendra Nath Mitra: The precise amendment moved by my Honourable and gallant friend refers to both Courts and Boards. I have listened to a most interesting duet between my Honourable and gallant friend and my Honourable friend from Assam, and the impression left on my mind was that we cannot do better than adhere to the decision of the Select Committee. The power which the State want for taking action under clause 3 of the Bill is intended to be exercised in the best interests of the community, and if the best interests of the community are to be the sole criterion, it seems to me important that

[Sir Bhupendra Nath Mitra.]

the State should have unfettered discretion in the exercise of their powers. It follows that the chances of the State interfering at any other than the most psychological moment will be practically nil. If, however, it is found, as a result of the working of the Bill now before the House, that the State are inclined to be hasty in the exercise of their discretion, I submit that the matter may be left over to be dealt with when the Bill is revised on the expiry of its period of five years. Therefore I oppose the amendment.

Mr. President: The question is:

"That in clause 3 of the Bill, after the proviso, the following further proviso be added:

'Provided further: that where the workmen or any substantial proportion of them belong to a trade union registered under the Indian Trade Unions Act, 1926, no order shall be made under this section unless application in that behalf has been made by the employer or any group of employers who are parties to the dispute, or by such trade union'."

The Assembly divided:

AYES—20.

Acharya, Mr. M. K.
Ahmed, Mr. K.
Bhargava, Pandit Thakur Das.
Cocke, Sir Hugh.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dutt, Mr. Amer Nath.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.

Kelkar, Mr. N. C.
Lindsay, Sir Darcy.
Mukhtar Singh, Mr.
Rajah, Rao Bahadur M. C.
Roy, Mr. B. C.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Zulfiqar Ali Khan, Nawab Sir.

NOES—32.

Abdul Aziz, Khan Bahadur Mian.
Allison, Mr. F. W.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Coatman, Mr. J.
Cosgrave, Mr. W. A.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.

Lall, Mr. S.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir Brojendra.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Webb, Mr. M.
Wright, Mr. W. T. M.
Young, Mr. G. M.

The motion was negatived.

Clause 3 was added to the Bill.

Clauses 4 to 14 were added to the Bill.

Clause 17 was added to the Bill.

Mr. President: The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muham-madan Rural): (Sir, I have got an amendment after clause 18.

Several Honourable Members: That clause has been passed.

Diwan Chaman Lall: I rise on a point of order, Sir.

Mr. Fazal Ibrahim Rahimtulla: I have not yet moved my amendment.

Mr. President: The Honourable Member can certainly move his amendment.

Mr. Fazal Ibrahim Rahimtulla: Sir, I beg to move:

"After clause 18 the following new clause 19 be added, and the subsequent clause be renumbered accordingly:

'19. Where any trade dispute is under inquiry or investigation by a Court or Board, any person who, with a view to compel any workman, employed by an employer who is a party to the dispute, to abstain from doing or to do any act which such workman has a legal right to do, or abstain from doing, wrongfully and without legal authority:

- (a) persistently follows such workman about from place to place; or
- (b) watches or besets the house or other place where such workman resides, or works, or carries on business, or happens to be, or the approach to such house or place, shall be punishable with simple imprisonment, which may extend to three months, or with fine which may extend to two hundred rupees, or with both."

Mr. President: I consider this clause.

Diwan Chaman Lall: Before my Honourable friend gets on to the merits of his amendment, may I draw your attention to a point of order in regard to the admissibility of this amendment. This amendment seeks, in my opinion, to widen the scope of the Bill and therefore it is not within the scope of the Bill as it is presented to this House.

Mr. President: What about "for certain other purposes"?

Diwan Chaman Lall: I intend to deal with that point. The amendment must not be outside the scope of the Bill itself. It must be *ejusdem generis*. The expression "for certain other purposes" cannot obviously mean that the Honourable Member, who wants to move this amendment, can bring in let us say an amendment to prevent people from blowing their noses while the trade dispute is going on. That penalty cannot be inflicted. Standing Order 33 says that an amendment must be relevant to and within the scope of the motion to which it is proposed. I submit for your ruling, Sir, that this amendment, in spite of the term "for certain other purposes", is outside the scope of the Bill, and I ask your ruling on the point whether we can consider this particular amendment or not.

My next point is this, that this amendment, if it is considered, will create a substantive offence which has nothing whatsoever to do with the scope of the Bill, and in those circumstances I ask your ruling and request

[Diwan Chaman Lall.]

you to rule this amendment out of order. Further, if I may have your permission to say so, this amendment was not accepted by the Select Committee.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, when a notice of an amendment is given, I understand that the Honourable the President sees the notice and admits the amendment and then it is put down on the agenda of the House.

Mr. President: The Honourable Member is wrong.

Mr. K. Ahmed: If that is so, Sir, I ask for your ruling whether your action is in contravention of the Rules and Standing Orders of the Assembly.

Mr. M. K. Acharya: May I have a word upon this point of order? Much as I sympathise with my Honourable friend, Mr. Chaman Lall, and the views that he holds on the subject-matter of the amendment, I am unable to agree with him as to how the amendment is out of order in the sense that it does not come within the scope of the Bill that is before the House. The Bill before the House is to regulate trade disputes and for certain other purposes connected with the trade disputes, and this amendment of my friend, Mr. Fazal Ibrahim Rahimtulla—I am not going into its merits—relates to something connected with trade disputes. Therefore I cannot see how we can, on a point of order, shut out this amendment from a Bill which deals with trade disputes and other purposes connected therewith.

That is my submission, Sir, that, irrespective of its merits, the amendment is quite within the scope of the wide Bill which is now before the House.

The Honourable Sir Brojendra Mitter (Law Member): Sir, it seems to me that this amendment is, strictly speaking, within the scope of the Bill, for this reason. The scope of the Bill is the investigation and settlement of trade disputes. Now the amendment refers to picketing, and the object of the amendment is to prevent picketing. That is certainly right because picketing and other intimidations are connected with trade disputes. If the object of the Bill is to make provision for the settlement of trade disputes, then any provision dealing with picketing would not be outside the scope of that measure.

Mr. President: I think the Title and Preamble of the Bill are wide enough to cover the amendment which the Honourable Member proposes to move. I therefore rule that he is in order.

Mr. Fazal Ibrahim Rahimtulla: Sir, I am very thankful to you for allowing this amendment to be moved. I consider this amendment, Sir, to be of very great importance to the Bill. I have said so in the minute of dissent which I have appended to this Report in my capacity as a member of the Select Committee.

Mr. K. Ahmed: You have been usurping the power of Diwan Chaman Lall!

Mr. Fazal Ibrahim Rahimtulla: I have impressed on the members of the Select Committee, and I wish to impress on the Members of this House, the necessity of embodying this amendment in the Bill. At present, Sir, when a strike takes place there are a certain number of workmen who would like to go to work, but are prevented by threats and unfair methods from doing so. I say, Sir, that no person has any right to prevent a person, who wishes to work, by threats or undue influence, and this is what my amendment seeks to remedy.

My friend, Diwan Chaman Lall, has spoken on this Bill for nearly three to four hours. Now Sir, he has laid great stress on the question of strikes and the question of sympathetic strikes, but after the lengthy speech which was nothing but full of eloquence and amounting to a repetition of the same argument over and over again, which was nothing but a great oppression to this House, (Laughter), without convincing or making out a case, he says "How can you prevent a legitimate strike? Why should Government prevent legitimate strikes?" I will now ask him whether he can, Sir, whether he has any right to prevent an honest worker from going to work, and here he comes and says that Government are behaving in a manner which is not in accordance with the democratic traditions of this House. I want to point out to him that clause 16, which has just been passed by this House, reads as follows:

"A strike or a lock-out shall be illegal which:

- (a) has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and
- (b) is designed or calculated to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government to take or abstain from taking any particular course of action."

This is the clause which the Select Committee has recommended regarding the strikes which are illegal according to them, because it has for its object something other than the furtherance of a trade dispute. If such a strike takes place, what is the remedy for those who do not like to go on strike? Is it right for this House, or for anybody outside, to say, "Because we go on strike, you should sympathize with us, no matter whether your children suffer from hunger; no matter whether you go to ruin"? "A strike means, not only that we are not going to work, but we shall prevent you from going to work." And here my friend Diwan Chaman Lall, who shows great sympathy for the labour movement in India, and who is out to protect labour to the best of his ability, comes forward and tells us that sympathetic strikes should be tolerated and encouraged. I hope, Sir, these are not election speeches that are being delivered in this House, but that speeches should be confined to the arguments that would prove themselves to the bearing of the Bill.

Mr. President: Why does the Honourable Member wish to "bury" the Bill?

Mr. Fazal Ibrahim Rahimtulla: The point that has been made out here, namely the principle whether a person has a right to strike, I say that a person has a legitimate right to strike. There is no denying that fact, provided that he confines himself to the grievances concerning the particular trade in which he is engaged, but if the object is other than the object for which he is employed, and if he not only goes on strike, but prevents others

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who wish to work and who wish to go for their employment, in order to protect their women and children, and in order to carry out their legitimate trade, is it right that any person should have the right of preventing that person from going to work?

My friend, Mr. Aney, was telling this House that Mr. Fazal is very jubilant over the passing of this Bill.

Mr. M. S. Aney (Berar Representative): I think I am right?

Mr. Fazal Ibrahim Rahimtulla: You are absolutely right, and I am telling you the reason. The reason we are jubilant is that we want to pass this Bill, which according to the employers is not entirely to their satisfaction, but we want to pass this Bill in the interests of labour to prevent their being exploited (Ironical cheers from Swarajist Benches) by people who all call themselves the leaders of the labour movement in India. We want real labour leaders to take proper charge of the labour movement in India.

Mr. President: Please speak to the amendment.

Mr. Fazal Ibrahim Rahimtulla: And we don't want any person to exploit labour by, not only preventing them from going to work, but by preventing others from working. This is the advice from leaders, and this is what I am trying to prevent. I ask the labour leaders to tell me whether they should mislead workmen like this. They not only advise people, who like to go to work, to go on strike, but they go to the extent even of threatening people by telling them, if they go to work, they will be molested or will be done harm to. I say that methods like these should be discouraged. If India wants to be prosperous, and as I have said no political advance can be possible in this country unless India is prosperous, then we should adopt ways and means to make India prosperous. Make your trade and industry flourish and do not devise ways and methods by which you should prevent honest workers from going to work and earning their legitimate dues.

Mr. K. Ahmed: But are they not deprived of their ability to maintain themselves and their families for a few days during strike by
1 P.M. being called upon to put some money in the Swaraj fund?

Mr. Fazal Ibrahim Rahimtulla: My Honourable friend, Diwan Chaman Lall, told us the other day that labour organisations were unanimous in their opposition to the Bill before the House and still he wanted re-circulation. However he accepted the principles underlying this Bill when this Bill was referred to the Select Committee. Now the principles of the Bill are three.

Mr. President: Order, order. The Honourable Member must confine himself to the amendment.

Mr. Fazal Ibrahim Rahimtulla: I am coming to the third principle of the Bill.

Mr. President: We are not now considering the Bill, as a whole.

Mr. Fazal Ibrahim Rahimtulla: Yes, Sir, the amendment deals with strikes which is one of the principles of the Bill.

Mr. President: The Honourable Member would be quite relevant on the third reading.

Mr. Fazal Ibrahim Rahimtulla: I want to impress upon the House the fact that the House, having accepted the third principle of this Bill, it must accept the amendment which is before us now. That is my point. This is a corollary to the third principle which the House has accepted now.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadian Urban): Which is the third principle?

Mr. Fazal Ibrahim Rahimtulla: The third principle is to prevent strikes which have got objects other than the furtherance of the interests of workmen.

Mr. Jamnadas M. Mehta: Nothing of the kind.

Mr. Fazal Ibrahim Rahimtulla: You will not be able to understand it. It is very difficult to make you understand it.

I was referring, Sir, to the strike in general and coming to the amendment in particular. First of all, when a strike takes place, we have found in Bombay and elsewhere that all the people employed in that trade do not desire to go on strike. Some of them even go to the extent of resenting a strike, and they even ask the question why they should go on strike. They do not desire to go on strike at all. But what happens when strikes do take place? We find 5, 10 or even 15 per cent. of those workmen, who would like to go to work, are prevented from doing so, and here my amendment comes in. I say the strikes should be made illegal, and if strikes are made illegal, then this provision is a corollary, namely, you have also to prevent people from getting hold of those honest workers who would like to go to work in spite of the strike.

Mr. M. S. Aney: Is it the Honourable Member's contention that every strike should be made illegal?

Mr. Fazal Ibrahim Rahimtulla: I have not said so. That is not the intention of the Bill. I say only a strike which has an object other than the furtherance of a trade dispute is made illegal under clause 16. So far as my amendment is concerned, it is also restrictive in its character. I say that picketing should be made illegal only where a trade dispute is under inquiry or investigation by a Court or Board. I maintain that I am not moving a general clause for picketing. I say that, whilst the matter is so to say *sub judice*, namely, when it is before a Court or a Board under inquiry or investigation, nobody should compel any workman employed by an employer, who is a party to the dispute, to abstain from doing so, or do any act which such workman has a legal right to do or abstain from doing wrongfully or without legal authority. I think, Sir, if there is any justification for picketing, it has been absolutely proved that it is futile when both sides have agreed to a dispute being referred to a Court or Board, and that Court or Board, as this House has already agreed, consists of independent persons, persons who command the respect and confidence of both sides. My Honourable friend, Mr. Kelkar, the other day referred to the Report of the Fawcett Committee. That Committee is the outcome of a Resolution by the Government of Bombay, and in future such committees will be the outcome of this Bill, because this Bill contains a provision regarding the Court or the Board. I say Sir, that, whilst he

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is praising the Fawcett Committee's Report, he must recognise that committees of that character will hereafter be the outcome of this Bill or Bills like this. I say, Sir, when you have confidence in committees like these, and when you refer a matter of this description to them, I say you have no right—or you should be prevented if you claim to have the right—of resorting to methods by which you would prevent honest persons from going to work.

Sir, my Honourable friend, Diwan Chaman Lall, when he is talking about strikes, always refers to Bombay. I have repeatedly told him, on the floor of this House, that he should leave Bombay alone (Hear, hear), because he knows very little about Bombay, and it would be discretion on his part if he left Bombay alone and confined himself to Rawalpindi, about which he knows a great deal, and he can place those facts before this House correctly. He said that, when the scavenger strike took place in Bombay, Rolls Royce motor cars were waiting for him begging him to come and settle the strike. When people have got confidence in him, they beg of him, they go to him with their Rolls Royce motor cars and ask him to settle the strike. Is it right for anybody, during the time when Diwan Chaman Lall is sitting in judgment, or making an inquiry of that description, is it right to prevent any person who wishes to go to work from doing so? Let the decision of Diwan Chaman Lall be communicated to both parties, whatever the decision may be, I say that, even Diwan Chaman Lall will agree with me that, whilst he is sitting in judgment, whilst people have got confidence in him, which they show manifestly by having Rolls Royces waiting at his door, he must also consider that honest people, who would like to go to work, and who would abide by his judgment or decision, whatever that may be on the particular issue, that such people should not be prevented by deliberate methods, or by undue influence or threats, from going to work, and they should not be asked to continue to remain on strike, even if they desire to resume work. This is the whole point of my amendment. It is a question whether it is right, when a Court or Board is investigating the matter, to prevent honest people from going to work. My Honourable friend asked whether it was possible for Government to take action against 98 per cent. of the population who form the workers. I do not know whether his statistics are correct in this respect. But I maintain that nobody, no individual, has any right to harm anybody deliberately or to prevent him from earning his livelihood. I say, Sir, that if workmen choose to go on strike and choose to put themselves to inconvenience, they are at liberty to do so, because you cannot force people to work; at the same time certainly it is unfair to prevent people from going to work. I hope, Sir, I have convinced the House of the necessity for this amendment. I say that, unless this House accepts the amendment which I have moved, it will be destroying the utility of the Bill which is about to be enacted into law.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Was it not rejected in the Select Committee?

Mr. Fazal Ibrahim Rahimtulla: I was not present when this matter was debated in the Select Committee. I am not one of those who do not write minutes of dissent when they do not agree with a certain Report. When you disagree, you should write a minute of dissent, expressing your point of view. I have made it clear that I was not present, owing to some

pressing engagement in Bombay. I have made it clear that my opinion is this, that unless you enact a clause like this in the Bill, you will destroy the utility of this Bill, and I say that this Bill is brought forward in order to protect both labour and capital, the workmen and the employer. I say, and I maintain, that this Bill is for the protection of labour from being exploited by anybody, and I hope Sir, this House will agree to the amendment which I have proposed, which prevents anybody from forcing his decision on people who would like to go back to work. With these words, Sir, I move.

Mr. K. C. Roy (Bengal: Nominated Non-Official): I have no desire, Sir, like my Honourable friend Mr. Fazal Ibrahim Rahimtulla, to inflict a speech on this House, but I shall simply put the case, as I understood it, of the Bill as it emerged from the Select Committee.

Mr. K. Ahmed: He did not inflict a speech, but his speech was heard by the House with rapt attention.

Mr. K. C. Roy: That may be your view; that is not my view. You keep quiet.

One thing which Mr. Fazal Ibrahim has always impressed on me is this: that he is anxious that labour should not be exploited by certain schools of political thought. I am equally anxious that labour should not be exploited by capitalists; that Mr. Fazal Ibrahim should not be exploited by capitalists; but Mr. Fazal Ibrahim has just shown the mind of the Bombay capitalists. Sir, this amendment was not unknown to the Select Committee; it was certainly before them. It was a proposal made by the Commissioner of Police, Bombay, and was strongly supported by the Government of Bombay. But the gentleman who sponsored it before the Committee, Sir Purshotamdas Thakurdas, is not in the House today. He did not press the amendment at that stage, and the Select Committee dropped it at that. Sir, speaking for myself, I stand by the agreement in the Select Committee, and I support the Select Committee's Report, which is good for the industrialists, good for the capitalists and also good for the Government. I strongly feel that the House has no right to go behind the decision of the Select Committee. Sir, I oppose the motion.

Lieut.-Colonel H. A. J. Gidney: Sir, I rise to support the amendment, and my reasons for doing so are very practical. I have been an eye-witness of a good number of strikes—I think many more than Mr. Roy has witnessed, and I suppose more than most of the Members of this House have witnessed. I endorse almost every word that Mr. Fazal Ibrahim has said. Take, for instance, the recent railway strikes at Lilloah and Kharagpur, more particularly at Lilloah. In that strike, there were a few people who originally went on strike, but a number of people went to work. These workers were molested by the strikers and their sympathisers and some of them were forced to keep in their houses and were not allowed to go to work. A few days afterwards, some of the strikers, under the pretence of working, entered the workshops, and when once in, they downed tools, forced the workers to stop working and were ejected. In this way they not only extended but enlarged the strike. Sir, in my opinion the Trade Disputes Bill will lose in importance and utility unless it has added, to its clauses, a clause like the one which my Honourable friend, Mr. Fazal Ibrahim, has moved. In fact it will be valueless unless amendment 19 is added. I go further and say that, in most cases in the

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past, leaders of unions, as also leaders of political thought, and leaders of strikes have been mainly responsible for the present industrial unrest in India and it is they who should be punished more severely than the workers who strike, for after all, they are carrying out the orders of these leaders. Indeed, I think that clause 17 of the Bill should have, included in it, rigorous imprisonment instead of simple. I go further than Mr. Fazal Ibrahim and say that, instead of simple imprisonment, in his proposed amendment 19, rigorous imprisonment should be prescribed. I consider, Sir, that it is these leaders of different schools of political thought who should be penalised more than the workers, especially those who make such preachings a religion and so obtain picketers to go amongst honest workers who want to return to work and persuade them, against their own will and judgment, from going back to work—not merely by moral persuasion but by threats and intimidation. Sir, I support the amendment.

Diwan Chaman Lall: Sir, my friend Mr. Fazal Ibrahim is like Falstaff (Laughter). He is not humorous in himself, but he is the cause of humour in others. His method is never to argue a point. He is a believer in the dictum of a French writer: "Don't argue, repeat your assertion". When he charged me with repeating myself, the House will remember that the Honourable Member was not on the floor of the House to listen to my speech.

Mr. Fazal Ibrahim Rahimtulla: I was present here.

Diwan Chaman Lall: He was absent yesterday when I was making my speech, and if he had been here, he would have profited by that speech.

Mr. Fazal Ibrahim Rahimtulla: I was here.

Diwan Chaman Lall: If he was here and did not go to sleep, he would have profited by it.

Mr. Fazal Ibrahim Rahimtulla: There is nothing to be profited by in it.

Diwan Chaman Lall: My Honourable friend has no need to gain profit by speeches, but he certainly believes in gaining profits by exploitation. Hypocritically he comes to the floor of this House and says: "I want this amendment in the interests of the working class". Which working classes does my Honourable friend want this amendment to benefit? Is there a single labour union that has asked for it? Did my Honourable friend or his organisation dream of it when the Bill was circulated for opinion? No; it was only an after-thought, and one or two organisations of the employers brought this proposition forward which he now wants, at the eleventh hour. And what is the history of it? The history of it is this: that these people who brought forward this proposition, even though they were on the Select Committee, had not the courage to proceed with it. They were challenged by us to bring it forward before the Select Committee and take its verdict. They did not bring it forward, they had not the courage to proceed with it. I am surprised my Honourable

Mr. Fazal Ibrahim Rahimtulla: I was not present then; I made it clear.

Diwan Chaman Lall: If he was not present, it was his business to be present; and even if he was not present, his other colleagues, who did bring forward this proposition, were present.

Mr. Fazal Ibrahim Rahimtulla: Were you present throughout the proceedings?

Diwan Chaman Lall: By these methods, Sir, does my young friend, rather an enthusiastic friend (Laughter) desire to hoodwink the House into believing that he had no opportunity to move the proposition there, that he is now moving before us? What is the proposition? The proposition is that the Honourable Member does not really know what he is talking about. He says he wants to prevent intimidation and threats being levelled against the workers who want legitimately to return to work. Where is there a single word in this amendment that he has moved in regard to the prevention of threats or intimidation? Will the Honourable Member point out to me whether there is a single word in his amendment in relation to the very problem that he is raising, namely the prevention of threats and intimidation?

Mr. Fazal Ibrahim Rahimtulla: I am sorry the Honourable Member does not know the English language.

Diwan Chaman Lall: I am very glad, Sir, I am charged with ignorance by an ignoramus; but does my friend know what those who know something about this subject have said, namely the legal authorities in Great Britain who inserted a similar clause in the Trade Union Act of 1927,—an Act which the Honourable Member has not read? They did actually employ the terms 'threat and intimidation' in sub-section (1) of section 3. I will, for his benefit—since he has not read it, and knows nothing at all about this subject—read the passage.

Colonel J. D. Crawford: Will the Honourable Member amend this amendment?

Diwan Chaman Lall: I am merely saying that those terms are not contained in the provision that he is proposing, and he has no business to falsify this fact by saying that he wants to prevent threats against and intimidation of the working classes. For, this is not his intention. What is the intention behind the desire to prevent any worker from being followed or watched? This is the English law. I shall read it for the benefit of my Honourable friend.

Mr. Fazal Ibrahim Rahimtulla: I do not require to be benefited.

Diwan Chaman Lall: My friend refuses to have his mind improved. I understand why he does not need to be benefited for one can only derive a benefit if one possesses a mind which can be improved. The English Law is this:

"It is hereby declared that it is unlawful for one or more persons (whether acting on their own behalf or on behalf of a trade union or of an individual employer or firm, and notwithstanding that they may be acting in contemplation or furtherance of a trade dispute) to attend at or near a house or place where a person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working, if they so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace, and attending at or near any house or place in such numbers or in such manner as is by this sub-section declared to be unlawful shall be deemed to be a watching or besetting of that house or place within the meaning of section 7 of the Conspiracy and Protection of Property Act, 1875."

[Diwan Chaman Lall.]

That is what the English Law says. The Honourable Member, not having read the English law, not knowing what legal phraseology means, not knowing what legislation in regard to these matters implies, comes forward with the enthusiasm of ignorance and brings forward an amendment which no lawyer or draftsman would look at. Supposing any person—my Honourable friend Mr. Gaya Prasad Singh for example—happens to be near a particular workman's house, and happens to spend an hour or two contemplating the beauty of the hut in which that workman is living, he is supposed, according to my Honourable friend, to be doing an illegal act and can be sentenced to three months' imprisonment or a fine, which may extend to Rs. 200.

Mr. Fazal Ibrahim Rahimtulla: That is not so.

Diwan Chaman Lall: The words are "beset or watch".

Mr. Fazal Ibrahim Rahimtulla: For what purpose?

Lieut.-Colonel H. A. J. Gidney: With a view to compel.

Diwan Chaman Lall: And supposing that were so: the words are there—"with a view to compel"—but has he not the right to do so? Cannot he go down and persuade that man not to adopt a particular course of action? Has he no right to do so? Are you preventing employers from intimidating workers during the course of a strike? It is one-sided action that you are employing. You want to prevent the working classes from being watched or their houses beset in order to permit them to go to work when they want to go to work; but what are you doing *qua* the employer? The employers can use their money

Sir Darcy Lindsay (Bengal: European): Whom are you addressing?

Diwan Chaman Lall: They can bribe; they can intimidate, they can use threats and they do occasionally use threats and intimidation and they use their powers, magisterial, political, social, economic against the workers. What are you doing to prevent that?

Colonel J. D. Crawford: Will the Honourable Member tell me whether the employer would come under the term "who is a party to the dispute"?

Diwan Chaman Lall: Sir, the Honourable Member knows perfectly well that the word picketing is being aimed against the working classes

Colonel J. D. Crawford: Against intimidation of the working classes.

Diwan Chaman Lall: No, Sir; not intimidation; where is the phraseology which makes him say that it is intimidation? Where is it? Read it carefully and see where the intimidation comes in. Point it out to me. Where is the threat in it? The Honourable Member is over-enthusiastic about this matter, because he knows really nothing.

Colonel J. D. Crawford: And rightly so, for I have seen the position in Bengal.

Diwan Chaman Lall: My Honourable friend has seen a large number of things in his life and he will live to see very many more things in his life; but I must confess that the one thing he does not see is the obvious, and the obvious that stares him in the face in this amendment is that

it is not a question of intimidation or threat; it is a question of watching and besetting or following.

Now, Sir, the Honourable the Law Member will bear me out when I say that we people today, every one of us who is in the political field, is being watched and followed about by the police; and not only are we closely followed about but every letter that we receive is opened by the police, and yet I have not heard the Honourable Member wanting to send these people who are the henchmen of the Government, who are sent by the Government to spy upon us and to follow us about from place to place and open our correspondence and watch our houses, I have not heard of him bringing forward any legislation to send those persons to prison: on the contrary they get their rewards and they get their titles. Why should class legislation of this nature be brought forward by my friend, who ought to know,—and if he does not let me inform him—that in the Select Committee this matter was broached and dropped—dropped like a hot potato? Why? Why was it dropped? Because even the employers who brought it forward realised that it was a matter which they could not tackle. They thought possibly it might be outside the scope of the Bill. But since your ruling, Sir, it has to be considered as inside the scope of the Bill; and they themselves would be the first, I imagine Mr. Birla or Sir Purshotamdas Thakurdas would be the first to confess that they are not anxious about this particular clause

Mr. Fazal Ibrahim Rahimtulla: Question.

Diwan Chaman Lall: Has my Honourable friend got any authority for saying so?

Mr. Fazal Ibrahim Rahimtulla: Yes; the Indian Merchants Chamber and Bureau have told Sir Purshotamdas Thakurdas definitely to move this amendment.

Diwan Chaman Lall: My Honourable friend having been told by the Merchants Chamber, did not move this amendment. When he first broached it in the Select Committee he withdrew it and he dropped it; he did not proceed with it

Mr. Fazal Ibrahim Rahimtulla: He dropped it for reasons other than the merits of the Bill.

Diwan Chaman Lall: My reply to the Honourable Member is that he had better listen to those other reasons and realise that, since Sir Purshotamdas Thakurdas, whom he acknowledges as his leader, thought it wise for him to drop this matter and not proceed with it any further, he should do so. I want my Honourable friend to remember that the Government themselves, when they drafted this Bill, would have brought in legislation of this character if they had really thought it absolutely necessary to do so. But in the draft that they have presented they have left this thing completely out and I cannot conceive Government accepting an amendment as worded by my Honourable friend in the phraseology in which it is to be found on this paper today—I cannot conceive that the Government or the Law Member would be willing to give their consent to the acceptance of this amendment as it is upon the paper this morning. I understood my Honourable friend Sir Bhupendra Nath Mitra to say that in regard to this matter he stood by the Report of the Select Committee. Now, if he stands by the Report of the Select Committee, then I ask him

[Diwan Chaman Lall.]

how can he square that statement with the action which I hope he is not going to take, of supporting the amendment moved by Mr. Fazal Ibrahim Rahimtulla. I confess that there is no necessity for action of the nature that my friend is suggesting; again, that if any such necessity had been shown action would have been taken earlier; further that the gentleman who himself moved it in the Select Committee dropped it himself and lastly that the Government are pledged to accept the Report, or compromise, or whatever they like to call it, of the Select Committee, as it stands and cannot now go and accept the amendment moved by my young and enthusiastic friend to please his young and enthusiastic heart (applause).

Sir Darcy Lindsay: Sir, a good deal has been said by my Honourable friend, Diwan Chaman Lall, about what happened in the Select Committee and what did not happen. My Honourable friend, Mr. K. C. Roy also gave us information about the happenings in Select Committee, and perhaps I, as Chairman of that Select Committee, may be permitted to make a few observations on the comments of those two Members. Sir, this particular picketing clause was pressed, I believe, by the Bombay Government as very necessary to the Bill as a whole and it was felt that, as my Honourable friend, Mr. Fazal Ibrahim Rahimtulla has told the House, without this clause, the Bill would not be as effective as it should be; and the Select Committee took this matter into consideration. Reference has been made to Sir Purshotamdas Thakurdas, and I must admit, Sir, that the proposal did come from Sir Purshotamdas Thakurdas

Mr. Fazal Ibrahim Rahimtulla: Hear, hear.

Diwan Chaman Lall: I said so.

Sir Darcy Lindsay: The Select Committee considered the matter, and a draft was put up very similar to the wording of this amendment. A question arose, which I did not decide as it did not happen to be put to me, as to whether the proposal was strictly in order—as to whether this dealing with picketing was within the scope of the Bill; and possibly wiser counsels prevailed and the matter was not pressed.

Diwan Chaman Lall: That is not correct.

Sir Darcy Lindsay: Partly for that reason and partly, Sir, because, if such an addition were made to the Bill, it would so change the scope of the Bill that it would necessitate re-circulation

Diwan Chaman Lall: Hear, hear; that is right.

Sir Darcy Lindsay: On those grounds the matter was not further discussed, and I put it to my Honourable friend that the proposal was not dropped like hot potatoes.

Diwan Chaman Lall: On a point of personal explanation, may I say one word, if the Honourable Member will permit? It was dropped, and I assert it again, it was dropped, and it was I who pressed the Honourable Member and other Members of the Select Committee to bring this matter forward and take a vote on it and they refused to take it.

Mr. President: I think all this discussion as to what happened in Select Committee is out of order.

Sir Darcy Lindsay: I am in entire agreement with you, Sir; but it appeared to me you allowed my Honourable friend Diwan Chaman Lall to make references to what had happened and did not happen and thought it only just

Mr. President: It is therefore that I allowed the Honourable Member to go so far.

Sir Darcy Lindsay: I thank you, Sir; I think I have sufficiently dealt with the point.

Now, Sir, on the merits of this particular amendment, I personally am sympathetic with my Honourable friend the Mover. I know, as Colonel Crawford interjected, the miseries that have occurred in Calcutta in connection with certain mill strikes, and my friends, the employers of labour have pressed this point upon me, that very serious injury is done to the willing workers by these intimidations and picketings of their houses. They are afraid to go to work for fear of what may happen to their wives and children. As far as I understand it, that is the true position. On those grounds I am disposed to support my friend's amendment.

It is very strange to me, after the long speech made by my Honourable friend Diwan Chaman Lall yesterday, that today he does not come forward and press home the points he tried to make in his speech. I have before me the list of amendments put forward both by himself and Mr. Jogiah, and every one of them has been dropped. Why this should be so I am unable to say. (An Honourable Member: "It is useless to press them in such a House as this.") But he does get up and oppose strongly the very reasonable amendment moved by my Honourable friend, Mr. Rahimtulla. For my part I wish to support the amendment.

(At this stage Mr. M. K. Acharya rose in his place.)

Mr. President: Does the Honourable Member wish to speak on this amendment?

Mr. M. K. Acharya: Yes, Sir. I am very keen to speak on this amendment.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

Mr. M. K. Acharya: In my best wishes to the cause of labour, I yield to none, not even to my good friend Mr. Chaman Lall. As an old man I cannot lay claim to his stout and sustaining lungs, nor to his beautiful accent; but in my own humble old way, I wish to help the labour movement in India as ardently as I can, and to make it thrive as exuberantly as it possibly can. I wish however that we should give that help to the cause of labour not under any false impression in our minds; and I am very anxious, Sir, on this occasion, as indeed on every occasion where we have to deal with any important legislation, that we should try to look at it as dispassionately as we can, and I wish that my friend Mr. Chaman Lall had said more on the subject matter of the amendment and

[Mr. M. K. Acharya.]

less on other subjects. He was indulging more in abuse and less in arguments. However he is my friend, and I wish to say he would help the cause of labour materially if he would espouse the cause of labour with sound arguments. I am not concerned, as Mr. Chaman Lall was concerned, with the intention of the Mover. I am more concerned with the purport of the amendment. I am glad, Sir, you ruled out references to what did take place in the Select Committee. We in this House, Sir, can do what the Select Committee would not do, and if we find good reason, we may, at the same time undo what the Select Committee did.

Now, Sir, there is a good deal of force in the argument that workmen desiring to strike work have very many kinds of influences brought to bear upon them by persons in power, wealth, position and so on and so forth, to dissuade them from going on strike. There is also no doubt some force in the argument that, especially in the present conditions of labour, in India, a large class of workmen desiring to go on strike do not find it very easy to bring about anything like a unanimous opinion among the large masses of their fellow workmen. It is very true that, in the present conditions of Indian labour, and in the present conditions of any large mass movement in India for that matter, a few individuals have to think out the plans and to see them carried out by the rest. It is the same case in political and social movements also. The initiative must come from a few thinking people, and the execution of these plans of the few thinkers will have to be naturally transferred to a large number of those who are concerned in the result. That is inevitable everywhere under the sun, whether it is India, or Russia or any part of the world. Unfortunately, in this world of ours, there is exploitation. It may be politicians exploiting labour, capital exploiting labour, or labour exploiting politicians. Unfortunately, I cannot help, being the philosopher that I am, old as I may be. In this world made by the great God above, there is exploitation of some people by some other people. Until we make this world a perfect Heaven that we wish it to be, this exploitation will go on to the end of the world. Therefore all these arguments seem to me to be beside the mark. We are trying to find some way out of this, to provide as many safeguards as we can, to provide for as many contingencies as possible, especially when we are enacting a new piece of legislation with regard to trade matters. Nobody in any side of the House claims that this Bill is going to be perfect in its working.

I am saying this because my friend maintained it was exploitation carried on by the politicians of the capitalists. That is an argument which my friend Mr. Fazal Ibrahim Rahimtulla used. I think he would have been better advised not to have used that argument. The politicians are also Indians, and he must know that very many politicians are also capitalists. Very many politicians are landlords and very many politicians are men with a large stake in the country. The fact that they are also politicians does not disqualify them from going to the labourers and giving them such advice as they want to give them. In India I do not believe it is possible, in the present day conditions, to have such a strict demarcation as pure labourites or pure capitalists or pure politicians. I am glad that it is not so. These differences are marked in those countries where people live an artificial life. There the capitalist carries on his

business in his own way, calculating his income in 7, 8, 9 or 10 digits, and the workman carries on his business in his own way, earning a few shillings per day. These large artificial divisions do not obtain in the greater part of India; except perhaps it may be with regard to the fabulous millionaires of Bombay or Calcutta or some other places. But we are not concerned with them.

Now, the whole question where a strike is being organised, or where a strike has been declared, is whether those who want to go on strike cannot be peacefully persuaded to refrain from doing so, by bringing to bear on them moral persuasion and intellectual persuasion. I for one feel that, in the present day conditions of Indian labour, moral persuasion and intellectual persuasion may be allowed, and this is not prohibited by the amendment of my friend, Mr. Fazal Ibrahim Rahimtulla. What he says is that, when the limit of these moral and intellectual persuasions is exceeded, and when they become physical, and when a workman is being followed persistently from place to place, or is watched, or his house is beset, then, the amendment seeks, so far as I have been able to understand it, that such external acts of compelling the other workmen to co-operate should, to some extent, be curtailed. That is how I understand this amendment. To that extent it declares that, whoever goes beyond the measure of peaceful persuasion, and violently adopts physical methods, ought to be punished. This point was also considered to some extent in the Select Committee. But I do not care whether it was considered there or not; it is perfectly open to you, Sir, to allow the House to consider the subject-matter of the amendment on its own merits. I use the word "subject-matter" very deliberately because I am afraid I cannot congratulate Mr. Fazal Ibrahim Rahimtulla upon the wording of his amendment. But now I am more concerned with the subject-matter of it, and not the language of it. I am not ready to clasp hands with Mr. Chaman Lall when he says that there is nothing in the subject-matter of the amendment which may be said to have legitimately arisen out of labour interests. In my opinion the subject-matter of the amendment does affect labour interests. Mr. Chaman Lall is certainly the last man not to know what generally happens in the case of strikes by workmen. Surely they do not require Mr. Chaman Lall's oratory. He knows well what kind of oratory is used in persuading the other workmen to join the strike. It may not be known to Sir Darcy Lindsay or to Sir Bhupendra Nath Mitra, but it certainly ought to be known to Mr. Chaman Lall, who claims to be well acquainted with the labour conditions in India. I do not believe that if I were to go to the workmen and talk my philosophy to them, they would listen to me. What they want is half a dozen words to the effect, "Let us join together and do the work". Of course, if a workman is going to play false to others they will surround his house. They will not probably use logical arguments, but something more convincing, perhaps the logic of the fist. It does not require great imagination to think that these strikers will tell those workmen who do not wish to join them, that their houses will not be safe. Surely they will not use the logic of my friend Mr. Chaman Lall. Therefore all these points are quite out of the question.

Now, my friend was referring to the English law as it was some time back and as it is now. Mr. Chaman Lall should be in a position to know how far the present day labour conditions in India tally with the present

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day labour conditions in England. I do not know the present day labour conditions of England and I do not regret that I do not know them. The labour conditions of England, like the political conditions of England, have had their own history behind them, just as our labour conditions have had their history behind them. I have more than once declared in this Assembly that I will not blindly follow the lead of England, I will not follow the lead of America or Russia. We want our own labour legislation concerning the people of India who are destined to be the spiritual leaders of the world.

Lieut.-Colonel H. A. J. Gidney: What lead will you follow?

Mr. M. K. Acharya: I will follow the lead of the Light that shines from Above. For as a great English poet put it "Heaven's light for ever shines; Earth's shadows fly." I will follow that, for it is the philosophy of the *Vedanta*. I will follow the great poet Shelley, who was not a church-going man. I take whatever is good in English poetry. I certainly say that there are very many good things in England. Let us take them, not blindly, but after due scrutiny; let us assimilate them and imbibe them and make them part and parcel of our national being; and so let us build and grow. I will not care to appear in the dress of my friend, Mr. Chaman Lall; I wish we were all Indians both outwardly and inwardly. In the past England and other countries had taken a lot from us, which they are now returning in some other form; just as the rays of the sun drive the vapours up, which, during the monsoon come down as rain. My friend, Mr. Chaman Lall, compared the English law, as it stood some years ago, and as it stands now, and he said that there is no such clause in the English law at present. That is how I understood him. There was some provision in the English law some time ago but at present . . .

Diwan Chaman Lall: The Honourable Member did not follow me at all and it is no use his referring to this point because he has not understood it.

Mr. M. K. Acharya: And because there was not much that was good to be followed in Mr. Chaman Lall's speech, and to be understood.

3 P.M. I thought I was complimenting him by what I was saying, but if he says that I did not understand him it does not matter. It does not matter to me whether there is an English law or not, whether there is a foreign precedent or not. The whole question is whether, taking Indian conditions, among the labourers especially, and considering their poverty, their ignorance—not that they are themselves responsible for this to any very large extent—taking all things as they are, is it desirable to permit a few workmen to go and tyrannise over others? This is a condition of things that is also found in bigger matters like politics, where people try to impose their ideas upon you. I do not know whether my friend, Diwan Chaman Lall, thought of this when he tried to oppose the amendment of my friend, that there are people who assume the position of dictators to others, who not only try to persuade them by honourable means, but transgress the bounds of honourable means and persistently follow those who do not agree with them or go about interfering with them. If this outward act of molestation is resorted to

under cover of trade disputes, and the labourer is not protected by the draft Trade Disputes Bill, then certainly we ought to take care that we do give him protection. However, that is a point for the lawyers over there. Not having had the misfortune to be a lawyer, I cannot say whether such going about and watching and persisting and following and thereby annoying, whether all that comes at present within the purview of the Penal Code or not. I do not know. But if any acts are done in pursuance of any strike, either actually going on or about to come, protected by any clause in this section, and likely to give legal colouring to such acts which are wrong from the moral point of view, then I say some provision like the one that has been proposed by my friend, Mr. Fazal Ibrahim Rahimtulla, is very necessary. Therefore my position is a very difficult one here today. It is not that I want Diwan Chaman Lall not to take up the position he has taken; but as a friend of labour, as a friend of the workmen, as one who wishes to be as good a friend of the workmen as anybody else, I do wish to protect the humble and non-aggressive workman against the more aggressive workmen; to that extent that I am in favour of this amendment. At the same time, there may be cases in which this protection may be abused. It is very difficult to draw a line between peaceful persuasion and non-peaceful persuasion. Supposing I go to a man's house for the purpose of peaceful persuasion, I may be charged with persistently following such workman from place to place. There seems to be much vagueness in the language. I may go half a dozen times with my friend Chaman Lall in order to persuade his brother voters to vote for Diwan Chaman Lall. Then I may be taken as coming within this clause as persistently following my friend from place to place with a view to making him do something. Therefore the question is with respect to the language. And as for intention, nobody knows what the intention of any man is. I may go there for good or bad purposes. Only God may know for what purpose, or perhaps also my friend, Diwan Chaman Lall, who seems to know the intention of every mover of every motion under the sun.

Thus, while I feel there is some necessity for an amendment of the kind, I feel the difficulty that the language of this amendment presents. It is somewhat vague and wide and troublesome. I wish this amendment had had the benefit of the official draftsman, who seems to have done the other clauses very well. Any way, taking this new clause as it comes from my friend, I find, there are words which do not well fit in. But because the language is not as good as it might be, I don't see how we can reject it. If the language is found to be very defective, it will be for the Industries and Labour Member to set it right. Perhaps Diwan Chaman Lall, who will be the Member in Charge of Labour, soon, will bring in an amendment to rectify the language of the proposed amendment; or in some way to remedy the defect in the situation. I feel the language difficult. I repeat, though there is the need in the present condition of labour for an amendment of the kind. Therefore it seems to me that between the language and the substance, I am rather at a loss to decide what I should do.

I want to make my position clear so that my vote may not be misinterpreted by the large number of labourers and workers in the country, for whom I wish to render as much service as I possibly can.

I thank you, Sir, for listening to me.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have no doubt in my own mind that the amendment proposed by my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, is a desirable one on its merits, for it seeks to introduce in the Bill before the House a provision which it is desirable to incorporate in it. I fully agree with what has been said on the merits of the case by my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, Sir Darcy Lindsay and Mr. Acharya. I do not want to add to the various arguments which have been used in support of this amendment, except just to quote a passage again from this book, "Freedom of Association", Volume I, published by the International Labour Office, Geneva. On page 138 of that book, it is stated:

"The right to work, however, implies that those willing to work have the right to be protected against strikers, and that picketing is prohibited."

That, Sir, is fundamental on the merits of the case. I was rather surprised to find that my friend, Diwan Chaman Lall, who was stressing on that right to work in the course of his speech earlier in connection with this particular Bill, is now taking quite a different view. At the same time, I am labouring under a peculiar difficulty in this matter. My recollection of what happened in Select Committee was stated to this House. I think either yesterday or the day before, and my difficulty with my friend, Diwan Chaman Lall, is that he is never serious. He never realised what was happening in the Select Committee; he never took a serious part in the deliberations; he took no heed of what I said in regard to what happened in the Select Committee in regard to this particular matter. The point really was that the Select Committee did not want to put into the Bill a measure which might give Diwan Chaman Lall an opportunity of asking for a re-circulation of the Bill. That was the real point, and I made it perfectly clear when I was dealing with his motion for re-circulation of this Bill. At the same time, to the best of my recollection, no definite conclusion about this matter was arrived at in the Select Committee. Nevertheless, I find that, at least among three Members of the Select Committee, there is a feeling that it was part of the understanding in the Select Committee that this matter should not be proceeded with in connection with the present Bill.

Lieut.-Colonel H. A. J. Gidney: Why not?

The Honourable Sir Bhupendra Nath Mitra: If three of my Honourable colleagues in the Select Committee now present here have that feeling, my view of the matter is that my word, or my word as it is interpreted to be, must remain as my bond. I would beg of my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, to help me out of this difficult situation. My original idea undoubtedly was to support this amendment, which, on its merits, is perhaps a good amendment. But I do feel that I must have some regard for the feelings of my Honourable colleagues on the Select Committee (Hear, hear); and if at least three of them definitely hold the view that this matter should not be brought forward now, without dishonouring the compromise in Select Committee. . . .

Mr. Fazal Ibrahim Rahimtulla: The Chairman does not say so. . . .

The Honourable Sir Bhupendra Nath Mitra: If three of them hold that view, I think I must refrain from pursuing the matter. I would beg of my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, not to pursue this matter. Later on, as I have already told my Honourable and gallant friend, Colonel Crawford, we shall note it down as one of the items to be dealt with in connection with the first amending Bill, if the Bill before us is enacted into law. Sir, it is with the greatest regret that I must oppose this amendment. I have made my position perfectly clear.

Mr. President: The question is:

"After clause 18 the following new clause 19 be added, and the subsequent clause be re-numbered accordingly:

"19. Where any trade dispute is under inquiry or investigation by a Court or Board, any person who, with a view to compel any workman, employed by an employer who is a party to the dispute, to abstain from doing or to do any act which such workman has a legal right to do, or abstain from doing, wrongfully and without legal authority:

(a) persistently follows such workman about from place to place; or

(b) watches or besets the house or other place where such workman resides, or works, or carries on business, or happens to be, or the approach to such house or place, shall be punishable with simple imprisonment, which may extend to three months, or with fine which may extend to two hundred rupees, or with both."

The Assembly divided:

AYES—13.

Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Chalmers, Mr. T. A.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
Ghuznavi, Mr. A. H.

Gidney, Lieut.-Colonel H. A. J.
Jowahir Singh, Sardar Bahadur
Sardar.
Lindsay, Sir Darcy.
Rahimtulla, Mr. Fazal Ibrahim.
Suhrawardy, Dr. A.
Yamin Khan, Mr. Muhammad.

NOES—56.

Abdul Aziz, Khan Bahadur Mian.
Abdul Matin Chaudhury, Maulvi.
Allison, Mr. F. W.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Bajpai, Mr. G. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Hussain Shah, Sayyed.
Ismail Khan, Mr. Muhammad.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lall, Mr. S.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jannadas M.
Misra, Mr. Dwerka Prasad.
Mitra, Mr. S. C.
Mitra, The Honourable Sir Bhupendra Nath.

Mitter, The Honourable Sir
Brojendra.
Mukharji, Rai Bahadur A. K.
Munshi, Mr. Jahangir K.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rang Behari Lal, Lala.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Roy, Mr. B. C.
Roy, Mr. K. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Schuster, The Honourable Sir George.
Shafee, Maulvi Mohammad.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Gangaranand.
Sinha, Mr. Raitvaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

The motion was negatived.

Clause 19 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Bhupendra Nath Mitra: Sir, I move that the Bill, as amended, be passed.

Mr. M. K. Acharya: On a point of order, Sir. I want to have your ruling once again, whether we can pass on to motion No. 2 on the second page on the List of Business, while there is an earlier motion on page one standing undisposed of before the House. I want only your ruling on the point.

Mr. President: Yes, we can pass on.

The Honourable Sir Bhupendra Nath Mitra: Sir, I am glad to find that my anticipation has been realised so far, that the clauses of the Bill as amended by the Select Committee have been adopted by this House without any change. I have only one observation to make at this stage. I do not remember having stressed that point at any earlier stage. In the course of the debate on the second reading and on the clauses of the Bill, questions have been asked on several occasions as to why provisions like those contained in clauses 15 and 16 did find a place in this Bill. Now, Sir, all the provisions in this Bill constitute restrictions in some form or other on the right to strike. That right to strike, as I have stressed on several occasions in this House, does not exist to an unlimited degree. It is within the rights of the community to impose any limitations that it may desire on that right to strike, which may be considered necessary in the interests of the community as a whole. The provision for conciliation comes within the category of restrictions of that class; and that point too has been brought out fully in this very valuable publication issued by the International Labour Office, from which I have quoted on several occasions—I refer to the "Freedom of Association", Volume I. I hope that the House will now pass this Bill without further delay. Sir, I move.

Mr. S. Srinivasa Iyengar: Mr. President, I rise on behalf of my Party to register our protest on the third reading of this Bill, which affects the welfare of the working classes so materially, and in such an intimate degree. I do recognise the sincerity of motive on the part of the Honourable Member in charge of this Bill, and I wish to acknowledge in particular the straight lead which he gave to the Government on the amendment which was moved by my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, in spite of the very considerable pressure which must have obviously been put upon him. Speaking for myself, if anyone could have persuaded me to accepting this measure, undoubtedly my Honourable friend, Sir Bhupendra Nath Mitra, would have succeeded. But it is a wholly impossible measure, one to which no reasonable or patriotic man, no sincere well-wisher of the working classes of this country can at all accord his support. We have stated our position clearly while speaking on the clauses in detail as well as on the second reading and earlier stages. It is quite sufficient, therefore, if I say a brief word of protest on this occasion. I would take advantage of this opportunity mainly to reply to what just fell from the Honourable Member in charge of this Bill, and

also when he replied to Diwan Chaman Lall's opposition to clause 16 of the Bill, on which I had no reply. Sir, the Honourable Member claims that this right to strike does not exist to an unlimited degree. Sir, I have with me the Labour Year Book for the year 1928, and there is a very accurate and well-informed article there written by Arthur Henderson, Barrister-at-Law, on the Trade Unions Act, 1927. It is quite obvious that at common law, these strikes were not illegal:

"Lord Justice Fletcher Moulton has stated that strikes *per se* are combinations neither for accomplishing an unlawful end nor for accomplishing a lawful end by unlawful means; and the object of the Conspiracy and Protection of Property Act, 1875, and section 1 of the Trade Disputes Act, 1906, was to provide complete statutory immunity from both civil and criminal liability so far as strike action is concerned."

That was the state of the law—both common law and Statute law in England—before the recent Act of 1927 was passed. Now, Sir, authority undoubtedly exists for the view that a general strike for purely political purposes, that is purposes which are not treasonable or seditious, is not illegal, although such a strike might not be a trade dispute within the meaning of the Trades Disputes Act, 1906. In *Regina v. Cooper* 4 State Trials, New Series, at p. 1250, the view was expressed by Mr. Justice Erskine that, "Honesty and peaceably to persuade the working classes to cease their work for the purpose of obtaining the charter is not in itself criminal". Therefore it is quite plain that the right of general strike for political purposes, for the purpose of obtaining the workmen's charter is a perfected right and there is no illegality attaching to that. Now, Sir, what is it that this clause—this most mischievous, dangerous and pernicious clause—clause 16 of the Bill seeks to do? Sir, we heard a great deal of sympathy in favour of clause 15. Now, in addition to clause 15—the so-called public utility services and the restriction on the freedom to strike without notice—we have got this clause 16 which superimposes this very grave disability upon the workers. It says that a strike will be held to be illegal if it has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers are engaged, and is designed or calculated to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government to take, or abstain from taking, any particular course of action. It is clear that this clause 16 will apply, not only to strikes in other trades or industries, but also to strikes even after due notice, given in accordance with clause 15—that is in the public utility services. Therefore you have got this position: you have got two disabilities in respect of public utility services, and you have got one disability in respect of all trade disputes which are not within clause 15 of this Bill.

Now, I think the course of the debate which has been pursued in this Assembly must, to any disinterested observer, produce a profound conviction that there has been a great deal of sophistication, conscious and unconscious, on the part of us all. The working classes are really not represented in the Assembly. That is the one abiding conviction that comes to one as the result of the debates; they are simply made the plaything of this side or that side—fine words are used; fine sentiments are expressed; and appeals to prejudices and passions are made—"Oh, you must not exploit labour; you must look to their interests only; you must not exploit labour for Swaraj; the right to strike must be exercised only in furtherance of a genuine and *bona fide* trade dispute, and so on and so forth". But what does it really come to? It all comes to this, that we have not got the welfare of the working classes at heart. As they stand at present,

[Mr. S. Srinivasa Iyengar.]

if they cannot get adequate and real representation in the Legislatures of this country, is it not the right and duty of the working classes to better their lot by agitating for their political advancement? I am not talking of Swaraj advancement: I am not talking of this particular constitution or that particular constitution, though I do not see why they should not agitate for Swaraj or a particular constitution. They are entitled, for instance, in any change of the constitution of the country, to have their grievances given effect to, and their particular rights safeguarded, and a charter of workmen to be adopted: and what possibility is there of doing that if their right to strike is prohibited? As I have already pointed out, the only right which the poor working classes have is this right to strike: there is no other right. They have not got the power of wealth, which is more than the power of Governments, which can influence men of all descriptions, even people who fight or profess to fight for Swaraj: they have not got the power of physical coercion, and they have not got the power of the Government and police at their back. In that state of things, what is the only power or remedy which they can resort to? The only remedy consists in the exercise of their right to strike. Take it away either completely, or in such a fashion as to make it an illusory right—why, then, you deprive them of their very right to existence. Are they merely to exist as starving cattle? Therefore, Sir, I do consider that any interference with that right by the Legislature at the present stage of the industrial development in this country, and of the most inefficient organisation or unorganised condition of the working classes in India, at the present stage of the most unsatisfactory and cruel wage level and of the hopelessly disgusting conditions of labour in this country, it is wholly improper, and it is really cruel and oppressive on the part of any Government, on the part of any Honourable Member of the House, on the part of this Assembly, as a whole, to assent to a measure of this description, making such a catastrophic change in their rights. That, Sir, is my main objection.

Then, Sir, look at it from an administrator's point of view also; look at it from the point of view of the magistrate or judge who has got to decide these cases, because, as legislators, we have to look at it from all points of view. Let us see whether this clause 16 has any adequate meaning. It is really a most futile and unworkable clause. It is stated that a strike is illegal if it is for—"an object other than the furtherance of a trade dispute. . . . and is calculated to inflict severe, general and prolonged hardship upon the community." Now, how is this prolonged hardship to be found out except after the strike has been in progress for a long time and after prolongation of the hardship? How is a magistrate, who is called upon to decide a case, as soon as a person has declared a general strike of this description and is prosecuted before him, going to decide it? Does he know whether it is going to be prolonged or not; the notice of intention to make it a prolonged strike may not be available. The pious insertion of a threat in this section 16 can never be properly put into operation if it is honestly worked by the magistracy and the judges or by the Government. Clause 16 is an absurdly and grotesquely drafted provision. Then it is stated, "If thereby the Government is compelled to take, or abstain from taking, any particular course of action." Supposing the infliction of severe, general and prolonged hardship upon the community is brought about by a general strike, and that for the purpose, not of compelling the Government to take or abstain from taking any particular course of action, but simply

for an improvement in their wages and in their labour conditions, for the purpose of influencing the community and public men, then it does not come within the mischief of clause 16. I do not know what the intention of the framers of this clause was; but undoubtedly, if the object of it was to prohibit general or sympathetic strikes in a clear manner, that object has certainly not been achieved, and to the extent to which it has not been achieved, I congratulate myself that the clause is so defective and so unworkable that it is really of no use whatever, and the sword will break in the very hands of the persons who seek to use it against the working classes.

Sir, even after making a strike illegal, there is a proviso in clause 17 which says that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or accept employment. So that the result is this: the actual workmen who stop work are not punishable, notwithstanding the fact that the strike is declared illegal; and the only result of it is that those who instigate and those who incite others to take part in the strike, as well as those who declare it are only hit by these clauses 16 and 17. The real object of clause 16, in making a strike illegal, appears to me to be to take summary action against the trade union leaders, against the labour leaders, and even against the political leaders, who, themselves not being members of the trade union, ask the labouring classes to strike. If any person—for instance my Honourable friend, Pandit Madan Mohan Malaviya, as he is bound to—were to go about and ask the working men to improve and better their lot and, if need be, to strike for that purpose, then undoubtedly he would come under clause 17. It is not confined to the trade union officials. "Any person" is the phraseology that is employed. Then, again, it does not stop there. Sub-clause (2) of clause 16 says:

"It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lock-out." That is perhaps the real motive of the whole clause. They do not want that any money should be obtained for the purpose of supporting those on strike, and they consider naturally the economic position of a workman is the most vulnerable position and should be most assailed. The Honourable Member in charge of the Bill pointed to the fact that, though a general or sympathetic strike is made illegal under clause 16, under clause 17 penalty is not imposed upon the workmen, but only upon the leaders. But he forgets that, by making it illegal, sub-clause (2) prevents the possibility of either collecting funds or of applying funds in supporting those who are on the so-called illegal strike, a callous provision.

Then, again, there is the mischievous clause 18, which seeks to divide the working classes, and which makes it impossible for them to have any loyal or well-knit organisation of working classes. Therefore, I submit that the Bill is really a shrewd blow, aimed at the trade union organisations in this country, the labour organisations in this country. The Government think that they may be a political danger to them or an economic danger to the capitalists, and they want, both on political grounds and in favour of capitalism, that the trade union organisations in this country should have short shrift given to them by means of this Bill. That is the reason why these ruthless and drastic provisions have been specially put in. Of course, we know what the majority in the Assembly have thought fit to do, and therefore I can only register, on behalf of my Party, and I hope of such of my friends outside who agree with me, a most emphatic protest against this most sinister piece of legislation. The Honourable

[Mr. S. Srinivasa Iyengar.]

Sir Bhupendra Nath Mitra says that this measure is only for a period of five years. What does that show? It is not legislation which is really necessary as a permanent piece of legislation. There are no conditions in this country which require such an enactment as this now or in the future. Why is it necessary to enact it now for a period of five years? Is it because in the infancy of the trade union movement in this country, the organisations are so very strong as to be a Government by themselves, and this Government find themselves unable to cope with the difficulties of the situation? That is certainly not the case. The truth is, they think, in five years, they will have rounded up all the labour leaders and will have made the labour movement in this country altogether an impossibility. In these days whether a man is for Swaraj or not, whether a man is for Dominion status or not, whether a man is merely for an instalment of reforms or not, whether a man is for communal electorates or joint electorates,—whatever our political differences may be—it is impossible for us to agree that the working classes are not the common problem of us all, and, to the extent to which we neglect their cause, to the extent to which we help the Government to impose fresh fetters upon them and to prevent their natural development, to the extent to which we prevent the working classes in this country from becoming a first class political party, as they should become, to the extent to which we prevent the emergence of a Labour Party, and in fact, a Labour Government in this country, to that extent we are really doing the greatest disservice, not only to ourselves and to India, but to our posterity. With these words, Sir, I oppose the passing of this Bill.

Mr. M. S. Aney: I rise to oppose the motion on the third reading of the Bill, and my grounds are practically the same as those that have been so ably put forward by my Honourable friend, the Deputy Leader of the Swaraj Party. On account of the existence of certain pernicious clauses in this Bill to which reference has been made by the previous speaker, the whole piece of legislation appears to me as an attempt by which the Government is seeking to isolate labour from the rest of the Indian population, and to treat labour as a problem in itself, detach from the other Indian population, with whom their lot is so intimately and closely connected. It is against this sinister attempt on the part of the Government to isolate labour from the rest of the Indian population that we want to register our protest. It appears to me that the Government are thinking that the labourer must always be a labourer. "Once a labourer, always a labourer and never a citizen," is the underlying principle on which Government seem to have based these three or four clauses which begin with clause 15 and end with clause 19 of the present Bill. These clauses virtually mean this, that the labourer cannot organise a sympathetic strike, that is to say, he cannot fraternise with the members of his fraternity employed in another place; he cannot organise a strike in furtherance of the improvement of his own status as a citizen. Supposing if he wants to go on a strike because certain fundamental rights, such as franchise, are denied to him, these clauses will come in his way. So he cannot even aspire to the status of equality as a citizen with the other citizens of the Indian population. Thirdly, he cannot join the general movement in the country for the sake of winning liberty. So, all the three principles in vindication and as an embodiment of which the Western democracies have come into existence, and which they stand to vindicate even now, viz., the principle

of fraternity, equality and liberty, are denied in his case, and he is called upon meekly to submit to his lot as a labourer, and nothing but a labourer, never to have any aspiration other than as a labourer, or a wage-earner or a coolie from life's beginning to life's end. That is the position created by these clauses, and it is that reactionary spirit underlying this legislation which requires the strongest protest from those who feel that labour is, after all, a part and parcel of the body-politic of the Indian nation. Sir, we cannot think of the entire Indian problem without our labour as an integral part of the same. Those who believe in the totality of Indian manhood as an indivisible whole cannot allow labour to be isolated in this way, and therefore any attempt on the part of the Government to isolate labour, and to treat it as a separate problem, untouched and untouchable by others, and as a matter of sole care and exclusive concern of the Government of India alone—such an attempt we are bound to resent, and for that purpose we must register our protest against it. The worst and the most objectionable feature of these clauses, in addition to what has already been said above is this. If the Government happen to declare a strike for one reason or another as an illegal strike under sub-clause (1) of clause 16, then they can prevent any person from expressing towards those strikers even ordinary sympathy in the form of pecuniary help which every man has a right to show to any sufferer in the world. We find that now-a-days societies are started for the sake of giving some sort of help even to people who are ex-convicts or convicts undergoing sentences of imprisonment in jail. Such kinds of societies are even encouraged by officials; but we find in sub-clause (2) of clause 16 a regular provision laying down that nobody can give any kind of pecuniary help to the workers. They are not only not allowed to fraternise amongst themselves, but people who very naturally feel some sort of sympathy for suffering humanity are precluded from extending their charity, their help and their generosity towards them if they are suffering; simply because the strike they happened to have organised has been dubbed by Government as an illegal strike. Again, this is not all. The second condition which is added on to sub-clause (1) of clause 16 for bringing a strike under the category of illegal strikes is that it should be "designed or calculated to inflict severe, general and prolonged hardship upon the community". That appears to me to be a terrible weapon in the hands of Government to treat any strike as an illegal strike whenever it chooses to regard a strike to be so. A strike might have been very legal at the beginning; it might be prolonged simply because efforts at settlement of that strike have failed as the employer and the labour concerned in the strike have not been able to come to any terms at all. As it is prolonged, it would necessarily be taken as causing general and severe hardship. Because a strike is prolonged, it could easily be construed as involving hardship to the community, and, therefore, it will be declared as illegal. Government, on account of its failure to bring about a conciliation through the Court of Inquiry or the Conciliation Board constituted under this law will have an excuse to say that it is an illegal strike and therefore the action of the striker is criminal. In that way they will forcibly break up that strike, rather than make another honest attempt to settle the strike on honourable and just terms to both parties. That is the danger that lies in that little provision. The failure of Government to bring about a reconciliation to the satisfaction of both parties will be in itself a ground for them to treat the strike as illegal, by saying that it is causing general and prolonged hardship to the community concerned. This is another serious danger.

[Mr. M. S. Aney.]

Lastly, I say, why is it that the people of this country should not be in a position to utilise labour for the sake of furthering their political aspirations? I do not understand it. Labour combinations or strikes for the sake of getting their own labour grievances redressed are no doubt allowed or permitted within certain limits under this Bill. But I maintain that inserting these retrograde clauses in this Bill, Government are not doing any thing to further the cause of labour or to give them any help. But they are most unjustly trying to utilise this opportunity of labour legislation for the sake of a sinister purpose, *vis.*, forging a new weapon of repression with a view to disarm the politically minded people of a very powerful weapon which every civilised nation has used for the realisation of their legitimate aspirations, and to win and preserve the liberty of their countrymen. Why should the Indians not legitimately expect the Indian labour to join the struggle? In my opinion, it is, if not the only, at least a very indispensable and potent weapon in the hands of the Indian people. Armless as they are, I venture to say that they have no weapons in their fight against the alien political power as powerful as some kind of organised mass movement such as direct action to strike any effective blow. They cannot at all afford to ignore labour, in their colossal effort to win their political rights and liberties. When the people are virtually planning a campaign and intending to make a supreme effort for the sake of asserting their rights, and compelling the powers that be to grant them the political rights and concessions which are certainly overdue, Government are meeting that demand by forging weapons of this kind. Concerted labour action is one of the most potent weapons in the hands of the public which they have a right to and can effectively use against the powers that be, and that weapon is sought to be snatched away from them by enacting clauses 16, 17 and 18. It is not right and proper, therefore, for Honourable Members with any sense of patriotism in them, whether they sit on the unofficial Benches or on the official Benches, to give their assent to a measure of this nature. One could understand it if measures of this kind are forged in the factory of the Home Member. But what pains me most on this occasion is the humiliating spectacle that one for whom we have very great respect and regard, and one, who has undoubtedly to his credit many achievements and solid services to the cause of Indian labour, has to pilot a Bill of this description. The only thing we can do is to record our protest by voting against the third reading of the Bill as a whole. For these reasons I have to oppose the motion with utmost regret and reluctance.

Sir Hugh Cocke: The Honourable Mr. Srinivasa Iyengar, in his long tirade against the Bill, and its lack of principle, utility and so on, seemed entirely to forget that no trouble has been taken, at any rate today, to improve the Bill. Bad as it is, at least some time might have been devoted to improving it, but the thunderstorm last night—whether it was the thunderstorm or not I do not know—has brought about a different atmosphere over the Opposition Benches, and the attempts, by way of amendments, which they put down to improve the Bill, have gone by the board. We on these Benches support the final reading of this Bill with some diffidence, because we do not approve of the course the Government elected to take with reference to two or three amendments on the paper. When the Bill goes to a Select Committee, the Government

Member ought to reserve the right to put down any amendments he likes on the paper and to support any amendments that other Members might put down. I gather from the Honourable Member that he has approved, in principle, all the amendments in regard to the steam vessels and the tramway services, but that he could not support these very desirable amendments, because there was a compromise in the Select Committee. That, Sir, was bad enough, but then we got on to Mr. Rahimtulla's amendment this morning and this afternoon. It was an amendment which was most strongly pressed by the Bombay Government and the Government of India did not see their way to support that amendment, and went into the lobby against us. We do not think that treatment is correct or sound. The Provincial Governments should have a more direct knowledge of strikes than the Government of India, and when you get a Provincial Government making a very strong recommendation on the subject of picketting, supported by the Commissioner of Police, to the effect that the existing law is not effective in practice, I think the Government of India should think long before refusing to listen to those recommendations, and in any case I think that the general principle of being bound to accept the Select Committee's Report is a bad one, and I hope it will not be followed in future. When a contentious measure like this goes to the Select Committee, it must be obvious that there would be certain amendments which, from the Government point of view, ought to be put down on the paper, and also the amendments of private Members, which ought to be supported by Government. Here we have a most desirable amendment, and the Government would not support us because they were bound down by some compromise. Therefore I support this final reading with considerable diffidence and some measure of regret.

Diwan Chaman Lall: With equal diffidence and a great deal of regret as shown by the Honourable Member who has just spoken, I rise to oppose the third reading of this Bill. I shall say, in passing, that I agree with the Leader of my Party, Mr. S. Srinivasa Iyengar, who paid a compliment to Sir Bhupendra Nath Mitra for having acted today in a manner which is worthy of him and worthy of a great cause, and I join my friend, Mr. Aney, in saying that one who has done so much during his tenure of office for the cause of labour should unfortunately be called upon to pilot a Bill of this nature. It has been said that there are two tragedies in life. One is to get your heart's desire and the other is not to get it and I can only compare the Honourable Member's success in piloting this Bill through this Chamber as a tragedy, because he has got his heart's desire. The end of it, Sir, will be tragic. Talking about the Bill the Honourable Member said that it is within the competence of a community to limit or restrict the right to strike if it discovers that it is in the interest of the community. Which community, I want to ask the Honourable Member—is it the community as represented by Members sitting on the Government Benches or is it the community as represented by the elected Members of this House, or is it the community who will be affected by this measure or the general public at large which has denounced this Bill in no uncertain terms. If we are going to restrict our interpretation of the word "community" to a vote of nominated and official Members, with a sprinkling of elected Members, then the Honourable Member is perfectly right. It was a point which I raised originally on the second reading of the Bill, when I said that

[Diwan Chaman Lall.]

it was up to us to demand a verdict of the country as a whole on a measure of this importance. And if there had been a better system of Government, if the Honourable Member had been an elected Member of this House, chosen by the people, in charge of his portfolio, I am absolutely convinced that he would have taken this step, namely, he would have gone to the country and demanded a verdict on the provisions of this Bill, before coming to the floor of this House and asking us to pass it. I say that particularly because the provisions of this Bill are of a very far-reaching nature. The Honourable Member does not seem to realise sometimes that, in matters of this kind we are really serious. I have taken great pains (my labours extending over several days) in regard to the provisions of this measure. The Honourable Member knows in his heart of hearts, what pains I have taken, to study the problem that is facing us. I assert that in spite of all the pains that I have taken and in spite of the meticulous care with which I have examined, not only the policy behind this Bill, but the procedure adopted by the Honourable Member and the words and the phraseology of the measure before us, I have not had any sympathetic consideration from the Honourable Member. I am sorry to say that not a single argument has been advanced by the other side which can refute any of the arguments that I have advanced from this side. I do not intend, Sir, to go over this ground again; that is a matter of public record. If an impartial reader were to examine that record, he would come to no other conclusion but this, that the measure before us is in the nature of a speculative doctrine. I think it was Thomas Aquinas who defined what a speculative doctrine was by saying whether one calls it an unknowable or unrevealed mystery, or an unexplained or inexplicable fact, makes little difference. This measure may be considered as an unknowable mystery or an unrevealed mystery or an unexplained or an inexplicable fact. I would much rather consider it to be an inexplicable fact, having regard to the fact that the arguments advanced by this side have not been met by the other side. I give the Honourable Member, Sir, every credit, for he wanted to do the right thing, but at the same time there is a machinery of which he is a part and of which unfortunately we are also a part, which machinery works in ways that are different to the ways in which that machinery would have worked if it were controlled by public opinion and by the people of this country.

Now, Sir, I want to ask the Honourable Member who demands this Bill, what was the necessity for bringing forward this Bill? Who prompted the Government to bring this Bill forward? I can understand the Honourable Member, or the Government of India bringing forward a measure of this nature if they could have shown an emergent necessity that had arisen in regard to this measure. Where is the urgent and emergent necessity for proceeding with this measure? May I ask, on whose prompting have the clauses of this measure been drafted? Is it because the Government of India or the Local Governments of their sweet will demanded a measure of this nature? Has any body of public opinion, apart from the interests of the employers, demanded that a measure of this nature should be passed and placed on the Statute-book? I know perfectly well that as far as the first part of the Bill is concerned, there has been a demand, but where is the demand on the part of the public for the second and third parts of it? And if there has been no demand, and if the Honourable Member can show me no necessity for

proceeding with this measure, a very contentious measure, a measure that has elicited unmeasured contempt and unmeasured opposition from the working classes of this country, then, may I ask the Honourable Member, why he should proceed with it?

Sir, my objection to this measure is not an objection based on a rhetorical argument, nor is it based upon a sense of injury that I myself might feel as being one of the parties involved in the passing of this measure. My objection to this Bill is based upon a fundamental principle, and that is this. You are, by making penal something which you have no business to make penal, imposing a restriction upon the liberty of the working classes, which you have neither the mandate nor the authority to impose on the working classes. I could understand it if the working classes had been represented or if you had consulted them and they had said that they wanted a measure of this kind. But when your fundamental aim and object is to provide for the settlement and prevention of trade disputes, why should you go beyond that one fundamental object and seek to prevent strikes under certain circumstances? Why should you try to make strikes illegal in certain circumstances? The Honourable Member said when I was discussing clause 16 that my remarks did not apply to those who were actually laying down their tools and going on strike and he read out the proviso to clause 17. Now, the proviso to clause 17 says:

"Provided that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or to accept employment."

That is all right, but the Honourable Member must remember the other portions of clause 17 which says:

"If any person declares, instigates, incites others to take part in or otherwise acts in furtherance of a strike or lock-out. . . ."

They are very comprehensive words. It is perfectly true that as far as his laying down of the tools is concerned, he will not be proceeded against, but the very fact of his laying down his tools and being a party to the Resolution that everybody else also should lay down his tools comes under the category of inciting others to lay down their tools. I submit that my reading of the clause is perfectly correct. I submit that my reading of the phraseology of this clause and of the whole Bill is that it is a very comprehensive measure which gives altogether unlimited powers within the ambit of this Bill to the police or the magistracy to proceed against the working classes whenever they indulge in a sympathetic or a general strike. I do consider that it is a hardship that the Honourable Member is inflicting upon the working classes for which he has absolutely no justification, and that if he were free he would probably have taken a similar course as the one he took in regard to the amendment moved by Mr. Fazal Ibrahim Rahimtulla. I submit that in the interests of the working classes, in the interests of the liberty of the subject, in the interests of the movement for freedom both amongst the working classes and the public at large, and in the interests of a fair deal for the working classes, this measure should be opposed by every elected Member in this House. (Applause.) But I feel that this measure savours, as it undoubtedly does, of class prejudice and class hatred and class revenge, and if the employers, as my friend said the other day, are at the back of this measure, if it is they who demand this measure, then it is all the more necessary why the Honourable Member should have proceeded warily and protected the interests of the working classes, rather

[Diwan Chaman Lall.]

than to have inserted clauses which are penal and which would make sympathetic strikes penal. I ask the Honourable Member once more at this late stage that he should listen to what I have got to say on the ground of justice, although I doubt if he would be converted by what I have to say. I therefore appeal to him to take the first opportunity to declare to this House that he will oppose the penal clauses so that we may accept the first part of the Bill. If this appeal that I am making is listened to by him, I can guarantee to him that the working classes would welcome the first part of the Bill. But if this appeal is not listened to, he knows, and I know, and the country knows, that the working classes will have to adopt every measure they can in order to protect their own liberty, their right to strike, and their right to offer their work and withhold it whenever they like. That is a right which they intend to exercise. I am not issuing a threat, but merely informing the Honourable Member that, if this measure is proceeded with against the working classes, then it leaves them no choice but to so protect themselves as to adopt measures which will lead to the defeat of these provisions in actual practice. How they will do this I am not in a position to say, but I do fear that it will lead not to the growth of Trade Unionism in this country, but to the disappearance of existing trade unions, because any trade union which comes within the purview of this Act will be afraid to organise itself and would rather not come within the provisions of this measure and refuse to form itself into an association.

I want to ask one question and that is this. Does not the Honourable Member consider that when the aim and object of the Bill is merely to prevent disputes, that he should have confined himself to that particular part of the Bill and not gone on to the penal clauses, and if he has now gone on, will he not inform the House and me and the working classes as to what the policy is that is behind this measure, as to what were the promptings that the Government of India received and what were the sources of these promptings, in order that the position may be clarified as to what the real intention of the Government of India has been, not, as my Honourable friend over there said, for the protection of the working classes, but for the hardships inflicted on them for the purpose of benefiting employers, and certainly not the workmen? If the latter is the purpose, I am sorry to say that I shall have to register my vote against the Honourable Member, and this Bill and the policy of the Government which has prompted this Bill. Speaking on behalf of the working classes, I can say no more than this that it is for the first time in the history of this movement that a measure of this kind which has been deliberately designed to inflict serious hardship on the working classes has been brought on the floor of this House with the consent of the Government. I consider it a very serious menace to the liberty of the working classes and to the liberty of the people of India. And, Sir, with all the vehemence I can command, I oppose this measure. (Applause.)

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, I support the motion of the Honourable

(At this stage Messrs. Acharya and Ranga Iyer stood up in their places and, in reply to a question from the President, signified their desire to speak.)

The Assembly then adjourned till Eleven of the Clock on Monday, the 8th April, 1929.

LEGISLATIVE ASSEMBLY.

Monday, 8th April, 1929.

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

QUESTIONS AND ANSWERS.

RELAXATION OF RESTRICTIONS REGARDING RECRUITMENT OF LABOUR FOR TEA INDUSTRY IN ASSAM.

1453. *Pandit Nilakantha Das: (a) Has the attention of Government been drawn to the article "Tea Industry and Reforms—Labour Legislation in Assam" published in the *Statesman* of Calcutta, dated 26th March, 1929—page 9?

(b) What are the relaxations asked for in the restrictions regarding recruitment of labour, and how did the Government of India meet them? Have the Government of India held out any definite hopes in advance of the decision of this House, or have they already done something in the direction by rule-making or some such other means?

(c) What is the exact nature of the "avowed policy" of the Government of India of "free labour and free recruiting"?

(d) What were the proposals submitted in 1928?

(e) What is meant by "absolute freedom" enjoyed in recruiting coolies? Does it mean that no Sardars are sent out and no price *per capita* paid to the Chiefs of Native States—and that coolies come to the gardens of their own accord?

(f) What are "the proposals now put forward by the industry in the form of its draft Bill", which is hoped to be "taken into consideration without delay"? Will Government be pleased to lay a copy of those proposals and the Bill, with other relevant papers, on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b), (d) and (f). As I stated in reply to a question asked by the Honourable Member on the 11th March, 1929, the question of the revision of the Assam Labour and Emigration Act and also the representations made by the Tea Industry in this connection are under the consideration of the Government of India. I regret I am not yet in a position to make any statement on the subject, but I may inform the Honourable Member that the Government of India have not taken any action in anticipation of the decision of this House.

(c) The ideal aimed at by the Government of India is the ultimate abolition of all restrictions on the movement of labour throughout India. I may add that this policy has the approval of the Royal Commission on

Agriculture, and is also advocated in the draft questionnaire of the International Labour Office on forced labour.

(c) The Government of India are not in a position to say in what sense the expression "Absolute freedom" was used by the Chairman of the Indian Tea Association, whose speech was reported in the *Statesman* of the 26th March, 1929.

QUALIFICATIONS REQUIRED FOR APPOINTMENT OF OVERMEN AT THE
EAST INDIAN RAILWAY COLLIERIES, GIRIDIH.

1454. *Lieut.-Colonel H. A. J. Gidney: (a) Will Government please state the qualifications required for the appointment of overmen at the East Indian Railway collieries, Giridih?

(b) Is it a fact that applicants holding an Indian certificate of competency to manage a coal mine are considered "unsuitable" for such appointments?

(c) If the answer to part (b) is in the affirmative, will Government please state if it is a fact that one, Mr. Dickinson, who holds only a 2nd class Indian certificate of competency, was appointed as overman six months ago?

(d) If the answer to part (b) is in the negative, will Government please state if it is a fact that one, Mr. Jackson, holder of a 1st Class Indian certificate of competency, and with greater experience than Mr. Dickinson, was considered by the Railway Board as unsuitable?

(e) Do Government propose to inquire into this matter and remove any such distinctions that exist?

Mr. P. R. Rau: (a) There are no definite rules prescribed for recruitment of overmen in these collieries.

(b) No. The Railway Board have desired the Agent to recruit subordinate supervising staff for the collieries locally if possible.

(c), (d) and (e). I understand that the conditions at Giridih require that there should be some staff with practical experience of work in thick and fiery coalseams, such as are to be found in the South Staffordshire Coalfields. At the time Mr. Jackson applied for the appointment the subordinate staff was depleted by retirement or by resignation of 3 members, who had these qualifications and it was considered essential to recruit a man with such practical experience. Unfortunately Mr. Jackson did not possess these particular qualifications. When Mr. Dickinson was appointed a few months earlier, the state of the subordinate cadre was such that it was not absolutely essential to have a man with this special experience, and in compliance with the instructions of the Railway Board, the Agent, East Indian Railway, was able to give him a trial.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly inform me whether it is the policy of the Agent of the East Indian Railway to recruit candidates who are not qualified at one time, and to refuse to recruit candidates who are better qualified at another time?

Mr. P. R. Rau: No, Sir.

Mr. K. C. Neogy: Is it a fact that Indians possessing equal or superior qualifications to non-Indian candidates have failed to secure appointments in the railway collieries?

Mr. P. R. Rau: I do not think so. If the Honourable Member will give me any particular instance, I will make inquiries.

Mr. K. C. Neogy: Are Government aware of the general impression that scales are definitely weighed against Indian candidates in the matter of selection to these appointments?

Mr. P. R. Rau: If that impression exists, I think it is a mistaken impression.

Mr. K. C. Neogy: What do the Government propose to do to remove such an impression? Are they prepared to entrust recruitment to these appointments to the Public Service Commission?

Mr. P. R. Rau: As I have already said, if the Honourable Member gives me any specific instance, I shall certainly make inquiries into the matter, but it is practically impossible, I am afraid, for Government to remove these misapprehensions altogether.

Mr. K. C. Neogy: Are Government aware of the fact that Indians possessing first class mining manager's certificates, which were obtained after a period of study in Great Britain, have failed to secure appointments in the railway collieries?

Mr. P. R. Rau: I can only ask my Honourable friend to bring to my notice the particular instance that he has in mind.

Lieut.-Colonel H. A. J. Gidney: Is the Honourable Member aware that the officer in charge of this department definitely stated that he was not prepared to enlist for such appointments any but those who have had coal mining experience in England?

Mr. P. R. Rau: I have not seen any such statement in the papers before me.

Lieut.-Colonel H. A. J. Gidney: If I send this to the Honourable Member will he kindly make inquiries?

Mr. P. R. Rau: Certainly, Sir.

Lieut.-Colonel H. A. J. Gidney: Thank you.

THE TRADE DISPUTES BILL—concl'd.

Mr. President: The House will now resume further consideration of the motion that the Trade Disputes Bill, as amended, be passed.

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, I am afraid that those Honourable Members who are opposed to the passing of the Trade Disputes Bill, on the erroneous ground that it will stifle the trade union movement, have not really understood the object of this Bill. Admittedly there is a great deal of industrial unrest in India, and the object of the Bill is to restore calm. There is nothing revolutionary about clause 16, which is on the same lines as the English Act of 1927. If we examine the clause very carefully, we will find that it does not declare illegal a sympathetic strike as such. In fact it does not touch

[Mian Mohammad Shah Nawaz.]

the sympathetic strike, any more than it touches any other strike, unless and until the two main conditions are satisfied, firstly, that the strike has any object other than the furtherance of trade disputes; secondly, that the strike is designed or calculated to inflict a severe, general and prolonged hardship on the community and thereby to compel the Government to take, or abstain from taking, a particular course of action. It certainly does not place unlimited powers, as suggested by my Honourable friend, Diwan Chaman Lall, in the hands of Government.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): I never said that.

Mian Mohammad Shah Nawaz: The Honourable Member did say that. He very soon forgets what he says. As a matter of fact, it will be very very difficult for the prosecution to bring home the offence to the offender, because the Crown must prove that the hardship was severe, general and prolonged. The corresponding section in the English Act is section 1, which is certainly more severe than the clause we have before us. The English section 1 of the English Act says that a strike should bring hardship on the community, while the present clause 16 says that the hardship should be severe, general and prolonged. We have, as far as possible, restricted the scope of the clause. Again, Sir, it is said that clause 15 will unnecessarily interfere with the private rights of the employers and the employees. That is not the case. Clause 15 of the Bill will operate only in the absence of the notice of 14 days, and if due notice is given, any individual or any body of individuals can strike, after the expiry of the notice. The employer can also lock-out the employees after adequate notice.

Diwan Chaman Lall: There is no notice prescribed in clause 16.

Mian Mohammad Shah Nawaz: I am referring to clause 15; you are sleeping. (Laughter.) This clause 15, Sir, refers to public utility services which, as I have already said, are meant for the well-being of the country. The Government can claim the right, and have the right to see that the public utility services are not suddenly closed down or disorganised. Therefore, the strikers cannot take advantage of a private right and close down the industries all of a sudden. They cannot create a public wrong. I submit that there is nothing revolutionary at all about this clause. Clause 15 of the present Bill corresponds to section 6 (4) of the English Act of 1927, which says that, if any person employed by a local or public authority breaks his contract with that authority, knowing that the consequences of his so breaking his contract will injure the community, he is liable to undergo imprisonment not exceeding three months, or to pay a fine of ten pounds. I submit that we have also modified this clause considerably. I submit that this is a very necessary piece of legislation, both in the interests of the employer and the employee and we must pass it. We have discussed the Bill, clause by clause, and the Assembly has passed all the clauses. It is absolutely futile and puerile now to object to the passing of this Bill, which deals fairly with all parties concerned, Sir. I support the motion of the Honourable the Labour Member.

Colonel J. D. Crawford (Bengal: European): Sir, this House is about to pass what is an important measure of labour legislation. I do not

think I can congratulate Government on its solution of the Indian labour problem. Conditions of labour in India are vastly different from conditions of labour in the West—in fact conditions of labour in each province of India are different from conditions of labour in other provinces, and conditions of labour in towns are different from those prevailing in the rural areas. But we find ourselves tied to the chariot wheels of Labour Conferences at Geneva, which are controlled, in the main, by labour of the West. If we are to continue on that line, we may find our industries in this country severely checked and the labour which is dependent upon those industries for its living, submitted to considerable hardship. I am one of those, Sir, who—although I did not have the opportunity of speaking on the Trade Unions Bill—was opposed to the introduction at present of Trade Unions in India, and would have preferred something, with greater imagination, more suited to our conditions, the particular labour conditions in this country. I would have liked to see something in the nature of a Labour Research Bureau set up in India, which would have gone into questions which affected our labour, endeavoured to find out means of improving the conditions under which it works, of making the workers more contented and more efficient and at the same time of building up India's industries. However, Sir, having started along these lines of Trade Unions, the measure which we have now discussed and which we are now about to pass is a necessary corollary. The very speed with which Government have had to introduce it is to some extent an indication of the incorrectness of their original policy of introducing trade unions. Here, Sir, I would like to endorse the remarks of my friend, Sir Hugh Cocke, that I consider it unsatisfactory that Government should themselves agree to compromises in Select Committee (Hear, hear) rather than on the floor of this House. I can quite understand the Select Committee coming to the conclusion that it would be better to agree on certain lines, but I do not think Government should be pledged to any such compromises, except, of course, on the floor of this House. Certain amendments which Government themselves admitted and thought were sound, were rejected on this ground.

Now, Sir, what are the implications in this Bill? The first clause of the Bill seeks to provide, as my friend Mr. Shah Nawaz said, a means of bringing to an end the terrible industrial strife at present existing in this country and seeks to develop the relations between employers and labour on peaceful lines. That, I understand, is the first clause of the Bill. The second clause of the Bill deals with (1) the limitation of the powers of labour in public utility services, and (2), the extent to which it can use the weapon of the strike, a weapon which I hold is entirely and thoroughly antiquated today, and one which has done much harm both to labour and to industries. Now, Sir, upon the first part of the Bill I have endeavoured to press upon the Government that the clause which gives them permission to set up Courts of Inquiry and Boards of Conciliation should be more restricted in scope. The House, however, did not accept my amendment on that point, but I would ask the Government to remember that the power given to them is permissive and not compulsory and to see that their officials thoroughly understand that position. I am afraid, when we pass this clause into law, we will find the official more and more interfering with labour disputes, and to my mind, that will not be satisfactory or in the interests of the settlement of trade disputes.

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LEGISLATIVE ASSEMBLY.

[8TH APRIL 1929.]

[Colonel J. D. Crawford.]

Now, Sir, I would turn to the right of this House to limit the powers which it grants to labour with regard to the use of the weapon of strike. Those workers who are employed in public utility services are to some extent the servants of the public and have a peculiar responsibility to the public and a peculiar power in the use of the strike, which are not afforded to workers in other industries or services. I think we have a right therefore to say to these men: "While you have the right to cease work if the conditions of labour are not satisfactory, we have the right to see that you give us a reasonable measure of notice, so that, if possible within the time available to us, we can see if it will be possible to arrive at a satisfactory settlement, and if that cannot be done or your demands are unreasonable, if we can make an effort to carry on the essential services required by the general public at large". I do not think we are imposing any great hardship in that respect on labour. I am one of those who believe with Mr. Chalmers that, if we do impose this limitation on workers working in public utility services, then it becomes the duty of this House to see that conditions of service in those public utility services are satisfactory. (Hear, hear.) Now, Sir, my friend Diwan Chaman Lall has made a very strong plea that no restriction should be put on the right of labour to use the weapon of the strike on the main ground that labour has no other weapon in India today, that it has no representation in this House to voice its needs; and yet, Sir, it seems to me from the course of the recent debate that the whole of the Opposition Benches are labour members. If my friend, Diwan Chaman Lall, will not accept that point, then the very fact that the Opposition Benches have so strongly opposed this Bill inclines me to the point of view that they desire to use the strike and industrial unrest as a political weapon, and that is a thing which, I submit, is not in the interests of the industry or labour of this country. The right lines which Diwan Chaman Lall should have taken would have been to press for greater labour representation in this House—but what has he done? The constitution is at the moment under review. I have not seen any labour organisation which has pressed that point upon the Statutory Commission now making inquiry in this country, and it has been left to the Europeans to press for greater representation for labour. I think Diwan Chaman Lall himself is at fault in this respect. In fact, he has strangled labour's right to make such a demand, for political purposes.

I think, Sir, this Bill, in the position in which we have got ourselves in regard to the settlement of the labour problem in this country, is a useful one. We must seek throughout, for a peaceful settlement of the differences between capital and labour. We do not want to handicap our industries; we do not want to increase the hardships and difficulties of our working classes in this country; and I would make an appeal, with the passing of this Bill, to those who represent labour to enter wholeheartedly into the work of the Whitley Commission, which is shortly to come to this country to examine the whole question of the labour problem and to see whether we cannot build up some machinery whereby all differences between capital and labour can be settled without constant strife and agitation throughout the countryside. Sir, I support the motion.

Mr. M. K. Acharya: (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I desire to make just a few observations with a view, if possible, to persuade my colleagues, both on the left and on the right, to bring to bear upon this motion before the House, a certain balanced mind, if they can, in our present weariness of body and soul alike. As I sat listening on Saturday to the speeches, both of the present Government Member for Industries and Labour, Sir Bhupendra Nath Mitra, and of the future Government Member for Industries and Labour—my friend over there, who will become I hope the Government Member when the Nehruite Government after the 31st December is established—when I listened to those speeches, Sir, I could not help stating frankly, on the floor of the House, that I felt disappointed. I was disappointed at what I thought was the prosaic *tamasic* exultation of the Honourable Member on my left at the thought of getting his Bill passed; I was disappointed at what appeared to me to be the heighty-flighty mercurial *rajasic* protests from my friend on the right side; and between them both, as a humble Indian, I thought that I should perhaps try to strike a note of *sattvic* balance. Sir, my friend, Mr. Chaman Lall, with an eloquence which I envy, though I would not imitate declared the Bill to be a speculative doctrine, an unworkable mystery and so on and so forth.

Diwan Chaman Lall: I quoted Thomas Aquinas.

Mr. M. K. Acharya: I thought they were his own words; and it would have been better if they had been his own words, but he quoted somebody else to describe the Bill before him with approval. Anyway he asked with declamatory eloquence, "Who wanted this Bill?" And almost immediately I heard him say that "a demand had been made for part I of this Bill"—for the first 14 clauses I suppose he means—"but not for the rest". That, Sir, I think, displays the mentality of the question as to who wanted this Bill. He says the demand has been for clauses 1 to 14 but not for the rest. Perhaps not. But, Sir, I would tell him—I do not want to philosophise too much today—I would simply remind him of the English proverb, "There is no rose without a thorn", and if he wants a rose he cannot help taking the thorn also. That is my very simple answer to him. The thorn comes up in the last clauses of the Bill and he finds his rose in the first fourteen clauses; and he must take the thorn along with the rose if he wants the rose at all.

Sir, I am very much more seriously against another outburst of my friend. He has been trying very many times here to draw a distinction between what he called the working classes and the non-working classes in India; and I would, in all seriousness, put to him the question, "Who are the workers in India?" Is he not a worker? Am I not a worker? I think all of us are workers. Therefore, Sir, at least in India, so far as my humble knowledge of Indian conditions goes—and I can lay some little claim to know Indian conditions fairly well—all of us are trying to be workmen, each of us in our own way; and indeed, as the Lord of the *Gita* put it:

"*Kāryate hyavasah Karme sarvāḥ prakṛitijair gunai.*"

"All men are working, working hard, working day and night through the inclinations born of the very nature".

[Mr. M. K. Acharya.]
Again,

*"Na mé parthâsti Kartavyam treshu lokeshu kinchama
Nanavapatam avaptavyam varta eva eha Karmani."*

"Nothing there is in the three worlds for me to attain, and yet day and night, incessantly am I working, says the Lord."

Indeed all of us are workers. Then why this silly distinction between workers and non-workers, working classes and non-working classes, the exploitation of the working classes, perhaps by my friend and others who are also, in my opinion, working classes, though perhaps not in their opinion. Sir, there are no compartments in life—labour, politics, sociology, religion, spirituality—to me all are various aspects of the One. I do not believe there are any compartments in life.

As the poet has said:

*"All are but parts of one stupendous whole
Whose body Nature is, and God the soul!"*

Though his poetry is bad metaphysics; for Sankhya philosophy he did not know. I would re-write the couplet in Indian philosophy:

*"All are parts of one stupendous whole,
Composed of Nature, soul and Super-soul."*

that is to say *prakriti*, *purusha* and *Purushottama*. However, Sir, it may be elsewhere, the unity of Indian life cannot be denied; and to me, Sir, it is idle and mischievous to go on harping on this distinction between working classes and non-working classes. That is what the Government say—that in the name of Labour politicians are exploiting the working classes and it is not for the Honourable Member to repeat that. And by the way, let me congratulate him—I hear he is going to serve on the Whitley Labour Commission—but as I said, Sir, we are all one, labourers and non-labourers—we are all working men here.

Now, Sir, coming to the Bill before us, I believe from my own personal experience, that clause 15 is almost necessary because it deals with what are called public utility services; but I cannot say that I will accept clauses 16 and 17 and 18 unreservedly. But as I have already said, here is the first attempt at legislation upon the subject; we are just attempting it; and it must certainly and naturally take some time before it could be made acceptable to all concerned. I do not think anybody can claim to bring in a perfect measure at any time—not even, I say, when my friend there comes into power; but if he is so sure of achieving the great Swaraj which he and I alike want—well here is this Bill; and by this time next year, or in the next two years when he comes into power, let him bring in an amending Bill to eliminate clauses 17, 18 and 19. In the circumstances, Sir, the question is whether we should accept the Bill as a whole, or reject the Bill as a whole; and in rejecting the Bill, reject also those clauses which are really helpful and necessary; and in spite of my hesitation I would perhaps be forced to say that I would rather accept the Bill.

Now one single instance must suffice. The latest newspaper brought me this press message with regard to some labour trouble in my own City of Madras. It reads thus:

"Choolai Mills Strike. Labour Commissioner's Intervention. Madras, April 5th. Two representatives of the Board of Directors of the Choolai Mills arrived in Madras this morning from Bombay, with full powers to deal with the situation regarding the

Choolai Mills strike. They conferred with the workers and the Labour Commissioner in the afternoon, but no decision satisfactory to both parties has been reached.

Regarding privilege leave, the Labour Commissioner advised both parties to think over the proposals made during the discussion, and to meet again at the Commissioner's office to-morrow morning.

A meeting of the workers was held this evening, when their representatives explained the Directors' proposals. The men unanimously rejected the modification suggested, on the ground that a large section of workers would be disqualified from obtaining any benefit from such a measure."

Here is a concrete instance of some dispute, not yet settled, between the labourers and the employers in Madras. How will Mr. Chaman Lal, my labour leader (Laughter)—how will he solve this problem in Madras except by getting some conciliation board appointed as provided for in this Bill? If I want clause 6 of the Bill passed, as soon as possible, in order that this trouble in Madras may be very soon got over, naturally my Honourable friend Sir Bhupendra Nath Mitra wants to have his fee, to pass the whole thing, pass clause 6 along with the other clauses. Shall we have clause 6; shall we have some way for appointing a conciliation board and pouring oil on the troubled waters in the Madras labour world, and therefore shall we support the Honourable Sir Bhupendra Nath Mitra in passing the Bill today? Or shall we take my Honourable friend's advice and say, "There are some portions that are objectionable. Fie upon the whole thing." As a practical man, I would like to have a speedy solution; and so I cannot help giving some measure of support to the Honourable Sir Bhupendra Nath Mitra in seeing that this Bill is passed as soon as possible, in order that such troubles may come to an end at once. As regards those clauses which relate to illegal strikes and lock-outs, though I cannot give my unstinted support, still they do not relate to what may be called the ordinary life of the labour world. They are exceptional matters, which nobody wants to happen every day; and these exceptional incidents will have to be solved as they come under the best laws that we can think of. In course of time, as we gain experience, we shall be able to enact a piece of legislation which will be both sound in principle and helpful in practice. In these circumstances, reluctantly with regard to the later portions, and very readily in regard to the earlier clauses, I propose to give my support to this Bill.

***Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I do not see eye to eye with all the three speakers. I shall take the last speaker first. The Honourable Member for Chingleput, who obviously seems to be in the habit of counting the chickens before they are hatched, said that the Honourable Member from Lahore is going to be on a particular Commission. I, at any rate, am only willing to proceed on published announcements. I do not see any such announcement in the newspapers, though I have no doubt that, if the Honourable Member is given an opportunity to serve on that Commission, he will represent the cause of labour in the spirit in which he has represented it in this House, of which the labour representatives inside this House as well as outside in the country have been right proud. I do not see eye to eye with Diwan Chaman Lal myself in regard to certain observations he made about the good points in this Bill. He said that up to clause 14 there were certain good things in the Bill. If I were to agree with him, I must concede that the Honourable Member for Labour has arrogated

**Speech not corrected by the Honourable Member.*

[Mr. C. S. Ranga Iyer.]

to himself the role of Providence, of whom it is said that Providence wisely mingled good things with bad. The Honourable Member for Labour has wisely put in good things and bad things in this Bill, but the bad things seem to predominate over the good things, and I for my part would reject that Bill and ask the House to reject the Bill, even as Labour Members in the House of Commons rejected the Bill there.

This leads me, Sir, to the observations of Mian Mohammad Shah Nawaz. Anything coming from Mr. Shah Nawaz must be treated with great respect. I admit, though Mr. Shah Nawaz is a conservative, he is a sincere conservative, and I am prepared to concede that Mr. Shah Nawaz does not see anything revolutionary in the English Act. But Mr. Shah Nawaz is not in touch with the labour movement, though I admit his knowledge of the law is perfect—I admit he spoke only from the lawyer's point of view. But for the English labourer's point of view, for the English socialist's point of view, I would ask Mr. Shah Nawaz to read the speeches made in the House of Commons on the subject. I would ask him to read the speech of Mr. Ramsay MacDonald; I would ask him to read the speech of Mr. Snowden, and other Labour Leaders in the House of Commons, including that of my esteemed friend Mr. George Lansbury. If he reads those speeches, he will find that, so far as the socialists in the House of Commons are concerned, they look upon the recent English Act as a revolutionary piece of legislation, and if Mr. Shah Nawaz were to go to England and attend a few election meetings during the coming general elections, he would find that one of the most important issues on which Labour is going to fight the conservatives—and though prophecy is a dangerous role in politics, Labour commands the future of the British public life and Labour is very likely to beat the Conservatives to their knees; in any case they are going to raise their number in the House of Commons—the issue on which they are going to fight the general election, at any rate, one of the issues, one of the most important issues, is the revolutionary piece of legislation which was rushed through the British House of Commons by the Conservative majority.

Mian Mohammad Shah Nawaz: No. Unemployment is the main issue.

Mr. T. A. Chalmers (Assam: European): Is the Honourable Member going to stand for Parliament as the Labour Member for Whitechapel?

Mr. C. S. Ranga Iyer: It is always amusing to hear the Member representing Assam planters occasionally emerging from his sphinx-like silence. But I am now concerned with the arguments and the observations which were made in this House, though I am sure the Honourable Member is rather interested in what is happening in his own country. Mr. Shah Nawaz referred to the English Act. I ask, how and when was the English Act introduced in the House of Commons and rushed through the House of Commons? There is a socialist movement in England. Time was when there was only one Labour Member in the House of Commons. Today Labour happens to be His Majesty's Opposition. The trade union movement has acquired great strength, and is at present very strong, as should be evident to any one who witnessed the last general strike. Therefore, the Conservatives thought that they must obstruct Labour by legislation, and succeeded in getting that Act on the Statute-book. But, Sir, what is the condition, I ask, of the trade union or labour movement in this

country? To pass this Bill, with those particular clauses which even capitalists like Mr. G. D. Birla do not approve—to pass this Bill with those clauses is just like strangling a child in its cradle. It is nothing short of strangling a child in its cradle; and Sir, I charge the Honourable the Labour Member with committing an act of that kind by bringing in legislation of this nature, strangling the young trade union movement.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Strangulation means manslaughter or murder.

Mr. C. S. Ranga Iyer: My Honourable friend Mr. Kabeer-ud-din Ahmed talks of manslaughter and murder. This is certainly slaughter of the trade union movement. It may not be the slaughter of one man; it is certainly an attempt to slaughter a movement, and I must say frankly that, if this Bill is passed, a Bill which is more drastic, which is more dangerous than the Public Safety Bill, which only deals with a handful of supposed English undesirables, if this Bill is passed, I am sure it will appear that the Government have made up their mind about the labour and socialist movement in this country. I ask why Colonel Gidney, of all men, should be afraid of labour being brought into politics. Has not labour the right to take part in politics?

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): It was Colonel Crawford who said it.

Mr. C. S. Ranga Iyer: I beg your pardon. I ask Colonel Crawford—is not labour in his own country taking part in politics? Is not Labour His Majesty's Opposition in the House of Commons? Does he not know how the trade union movement is working in his own country? Why deny politics to labour? Labour is perfectly entitled to exercise its right to take part in politics.

Colonel J. D. Crawford: I never denied politics to labour. I suggested that labour should not do it by means of strikes.

Mr. C. S. Ranga Iyer: Here comes the sympathy of the Honourable and gallant Colonel for labour. He wants to protect labour from strikes. He ought to know that the strike strikes the strikers themselves. I say, Sir, that labour is entitled to strike when a strike is necessary. How can labour improve its prospects otherwise? A situation does come in every country when the dividing lines between labour and politics become very thin. When labour is in the whirlpool of politics and politics is in the whirlpool of labour, socialism shall march so strongly, so powerfully and so furiously that the Congress will have to hide its diminished head.

It is not the politician who is going to exploit labour. He should not exploit and cannot exploit. It is labour which is going to exploit the politician. I am perfectly in agreement with Colonel Crawford when he says that labour should not be exploited, but those who have watched the non-co-operation movement know that it was the object of its great founder not to mix up labour and politics. I happen to be the founder of a big labour union in Lucknow, and although I have severed my connection with it owing to great responsibility and pre-occupation, my two esteemed friends, one of whom was a Member of this House, Pandit Har-karan Nath Misra, and the other of whom, Chaudhri Khaliq-uz-Zama, was the Chairman of the Municipality, were the office bearers of that Labour-

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Union. When Mahatma Gandhi was in Lucknow in the height of the non-co-operation movement, in the enthusiasm of their hearts, the labour men struck work and went to have the great Mahatma's *darshan*. I shall tell you what the Mahatma said. He asked those non-co-operators who had anything to do with the strike, to resign, because these men had no business to strike, even to the extent of going to the railway station in order to have his *darshan*. No responsible political leader has exploited labour, and labour will refuse to be exploited. A time is bound to come when the excesses on one side will be answered by idiosyncrasies on the other, when blundering stupidity on one side will be answered by intransigent action on the other. Sir, when a labourer strikes, he harms himself, and, by passing a Bill of this kind, you cannot stop labour from striking. You cannot stop it any more than you can stop the waves of the sea. This is therefore a panicky piece of legislation. It is unnecessary legislation. This is legislation which should not be on the Statute-book for exactly the reasons which have been embodied in the dissenting minute of my friend, Mr. Jamnadas Mehta, and others. Therefore I oppose this measure. It is a great pity that it was referred to the Select Committee at all, but it would be a greater pity if it was placed on the Statute-book.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): I rise to oppose the third reading of the Trade Disputes Bill. It may appear a little awkward for a person who has all along worked for that Bill, asked Government to introduce that Bill and carry it in the last Simla session, to come forward now and oppose the Bill. Sir, I asked for a division on my amendment, and I will just show to the House that four things have been revealed by that division. One is that the Swarajists can walk into the Government lobby without the least hesitation. (*Opposition Benches*: "The Government followed us".) The second is that Government can deliberately create tension between labour and capitalists. The third is that there is no unity of action between the Provincial and the Central Governments, and fourthly, that Government cannot be trusted, as according to the Bill a trust is going to be imposed on them.

Mr. T. A. Chalmers: Fifthly, Government can vote in the Swarajist lobby. (Laughter.)

Mr. Fazal Ibrahim Rahimtulla: I shall deal with the last point first, and in order to develop the last point, I shall have to trace somewhat the history of this legislation. The Commercial community has, as I pointed out, asked for this legislation, and the representative of the commercial community pressed in the last Simla session that the Bill should be passed into law in that session. Government, for reasons best known to themselves, came forward with a dilatory motion and asked that the Bill be sent out for circulation. Now, Sir, what is the idea of circulation? The idea of circulation is to find out whether the Bill is perfect or can be improved; secondly to find out the opinions of those who are interested in the Bill as to whether they favour it as it stands, or whether they would like to make suggestions which would be acceptable to Government and to the House. Therefore, Sir, it was the Bombay Government who made a

useful suggestion, and that was backed up by the commercial community of Bombay and their opinion is this:

"The Governor in Council is of opinion that a provision in the Bill may be made to the effect that, as soon as a matter in dispute has been referred to a Court of Inquiry or a tribunal, picketing should at once become illegal in all its forms and it should remain illegal in case the decision of the tribunal does not result in peace. The Local Government report that the Chamber of Commerce, Bombay, the Ahmedabad Millowners' Association, the Indian Merchants' Chamber, the Bombay Electric Supply and Tramways Company and the Director of Information and Labour Intelligence, Bombay, also are of the opinion that a clause should be inserted in the Bill to make picketing illegal. The Commissioner of Police is strongly of opinion that picketing cannot be dealt with under the Indian Penal Code and, if it is to be dealt with, it must be prohibited and made into a substantive offence."

As Honourable Members have here pointed out, this opinion was debated in the Select Committee, and it was dropped for reasons other than the merits of this amendment. The Chairman of the Select Committee has told this House that the reasons were that the Select Committee was afraid that, if this provision was embodied, it might have led to the re-circulation of the Bill, or the amendment might not have been within the scope of the Bill. It was for this reason that Sir Purshotamdas Thakurdas, the representative of the commercial community of Bombay, did not press this amendment in the Select Committee. This fact was revealed by the Chairman of the Select Committee before this House the other day. Now, as regards the second point, you have, Sir, already ruled that the amendment was within the scope of this Bill. The other point was that the very idea of circulation would be destroyed if the Select Committee were afraid of the question of re-circulation. This Bill was circulated, and every opinion received in the Select Committee should be considered on its own merits, otherwise the circulation of the Bill would have been meaningless. What is the good of circulating a Bill when you refuse to consider the suggestions made by various people to whom the Bill is referred? I think, therefore, that it is very wrong, on the part of the Government, to have got up here and opposed the amendment on the ground that they were afraid of re-circulation.

Now, Sir, it raises one very important point to which I would particularly like to draw the attention of the House. It is this, that the Honourable Member in charge of Industries and Labour told this House that he was not prepared to accept the amendment simply on the ground that three members of the Select Committee told him that he had arrived at a certain agreement. Now, Sir, can any Government be trusted, which would come and tell this House that it is not prepared to agree to any useful suggestion made on this Bill before this House. Sir, you have been blamed, whether rightly or wrongly, by Sir Darcy Lindsay for becoming a dictator in this House. Now, what is it that the Government attitude is in regard to this Bill? If it is not an attitude of dictatorship, then I should like to know what it is. They actually come and tell this House that they are not prepared to accept any amendment at all and maintain that the Bill is for the benefit of capital and labour. The Honourable Member also says that he is opposing the amendment simply because three individual members of the Select Committee have told him that there was a certain arrangement arrived at. Now, this arrangement was not arrived at in the Select Committee at all, because if it were so, the Honourable Member would have made a statement to that effect when he moved the consideration of the Bill, and it would not have been repudiated

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on the floor of this House by the Chairman of the Select Committee. I say, even if it is true that there was a certain arrangement, was the Honourable Member right in allowing a free discussion in this House and then opposing the amendment, not on the merits of it, but on the ground that he had arrived at a certain agreement?

Now, as regards the Provincial Government, I am very much surprised that the representative of the Provincial Government here, my friend Mr. Allison, should have thought it proper to have voted against that amendment. As I understand it, Sir, the representatives of the Provincial Governments are sent to the Assembly to look after the interests of the Provincial Governments and to draw the attention of the Government of India to the matter in this House if the interests of the Provincial Governments are not looked after. Here is my friend, Mr. Allison, representing the Bombay Government in this House but voting against the amendment. Mr. Webb was here, but he did not vote on the amendment. I give him credit for remaining neutral.

Mr. M. S. Aney (Berar Representative): He fell sick.

Mr. Fazal Ibrahim Rahimtulla: He was in the House.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): We are glad to receive this information.

Mr. Fazal Ibrahim Rahimtulla: I would now like to mention a point or two about the speech of my friend, Diwan Chaman Lall. He told us the other day that I had not read the provisions of the English law. Now, I have told him more than once, that it is all right for us to see the provisions of the English law, to study them and to be guided by them. But the conditions in this country and in England are quite different. We have here hardly 7 per cent. of the literate class, whereas in England there are 97 per cent. literate people. The second point is that in England they have responsible government, whereas we have a government which is not responsible to this House. Therefore, Sir, if any legislation is to be brought forward, it must be judged on its own merits, having regard to the conditions in this country. Now, what does my friend, Mr. Chaman Lall, do? He comes forward and reads the English Act, but when he is asked whether he is prepared to accept its provisions, he says "No", and he finds fault with the amendment which I had moved in this House. I hope, Sir, my friend Mr. Chaman Lall will think twice when he is crying for independence, not to follow blindly the English provisions in the Trade Disputes Bill.

I want, therefore, to make my position clear. I have always maintained that, when this House accepts the motion for referring a matter to a Select Committee, it is understood and it is implied that the House accepts the principles underlying the Bill. Therefore, I have always maintained that, having accepted that motion, it is wrong for this House to object to the motion for consideration. But if there is any amendment made which is not according to the wishes of any individual member or any individual party, it is right at this stage, when the motion for the third reading is made, to oppose it and to show that the Bill, as a whole, is not acceptable to us because we find that, without the clause on picketing, which is, as I have pointed out, its corollary, it would destroy its utility.

There is another aspect of the question, to which I would like to draw the attention of the Government. Government have already accepted the merits of the amendment, but they have pointed out certain difficulties. I do not know whether those difficulties are real, but if they are real, then they are entirely wrong in principle to have committed themselves to this Bill without taking the decision of this House and without judging the merits of the suggestions that may be put forward by this House. But it is still open to Government, when the Bill, if it is passed here, goes to the Council of State, and if any Member of the commercial community gives notice of a similar amendment there, to reconsider and have this Bill amended there. I am throwing this suggestion to the Government because they cannot put forward the plea that it is too late to embody that provision in the Bill.

With these words, Sir, I oppose the third reading of the Bill.

Lieut.-Colonel H. A. J. Gidney: Sir, my remarks will be very few at this stage of the Bill. My chief reason for getting up is to support what has already been said so fully by my Honourable friend, Mr. Fazal Ibrahim Rahimtulla. Sir, it was very unfortunate that Government thought it necessary to reject his amendment as, in my opinion, it forms the very nucleus of the Bill. Without clause 19, the rest of the Bill as an antidote to the present labour unrest and strikes seems almost valueless.

Surely, Sir, the Honourable Member in charge of Industries has ample evidence before him to realise that more harm is done during labour unrests and strikes by picketers than by those who actually refuse to work. Surely the past history of labour unrest, with its bloodshed, its dislocation of traffic in this country, is sufficient evidence for the Honourable Member to realise that this clause was a very necessary one for incorporation in this Bill?

Sir, I hope this Bill will be passed, and when it is a *fait accompli* it will form a milestone in the history of labour in this country, which will be for its improvement and security. But I doubt very much if this Bill will be of much practical use, for its practical effect will amount to nothing. You will not be able to operate it effectively as you have not the jail accommodation. It will therefore have a deterrent effect only. Can the Honourable Member assure this House that the passage of this Bill will be any antidote to the present labour unrest and against strikes, to the extent that he thinks it will be? I submit it will not, so long as some clause is not incorporated which makes punishable with jail the activities of picketers. It is all very well legislating against the poor ignorant workman, the man who readily accepts the advice of his ring leaders, and may be, drops it as soon as it has been accepted. It is no use legislating for the punishment of the striker and letting loose those political wire-pullers, those leaders of such unions who control these labour unions, men who lay the gun powder fuses of strikes for the workmen to set a light. Those are the people who should be caught and punished more severely than the workmen, and not to include in this Bill such a measure of protection as I have said, to negative its value from the practical point of view. Therefore I support what my friend, Mr. Fazal Rahimtulla, said when he appealed to the Honourable Member and offered him a *via media* of resiling from the present unfortunate position created by the rejection of

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clause 19. The Honourable Member would have done wisely if he had not agreed to the exclusion of this clause outside the House as a result of a private settlement with some Honourable Members of the Select Committee. But the opportunity is yet in the hands of the Honourable Member, for when this Bill is considered by the Council of State, I hope he will not stand in the way of giving them the opportunity of incorporating clause 19 in it and return it to us for final consideration. I appeal to the Honourable Member to see that the Council of State be given an opportunity to rectify what I consider to be serious omission of this House.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, the discussion again has centred round clauses 15 and 16 of the Bill and the clauses consequential to clause 16, apart from the diversion created by my friend, Mr. Fazal Ibrahim Rahimtulla and his supporters, to which I shall refer later on in the course of my speech.

I had no intention of making a long speech at this stage, but I am afraid I cannot help it, for my friends opposite will probably claim that I have been overpowered by the force of their arguments. (Hear, hear.)

Mr. S. Srinivasa Iyengar: But everything that was said was very true!

The Honourable Sir Bhupendra Nath Mitra: At the same time there is nothing new in those arguments. My friend, Mr. Srinivasa Iyengar, began by saying that, if he could be persuaded to accepting this measure, undoubtedly I could have persuaded him. Now, Sir, that is my difficulty. I cannot persuade people who refuse to be persuaded, and as my Honourable colleague to my right said the other day, not even an archangel could persuade my friends opposite, and as I do not claim to be a super-archangel or anything of that sort, I must give up the effort.

My Honourable friend, Mr. Srinivasa Iyengar, admitted that there has been a great deal of sophistication, conscious or unconscious, on the part of us all in dealing with the matter. If that is an admission which relates to the protagonist of labour on his side, Diwan Chaman Lall, I am glad to hear of it. If it refers also to other Members of the Party, I am again glad to hear of it. So far as I am concerned, I have never attempted to use any sort of sophistication, but have based my case on arguments from which I have never wavered, and on statements of facts, which I quoted from authorised publications of the International Labour Office at Geneva.

My friend, Mr. Srinivasa Iyengar, tried to disprove my statement that there is an absolute right to strike enjoyed, under all circumstances, by all workers without distinction, by quoting extracts from the Labour Year Book of 1928, intended to show the position in this respect in England. It is to my mind obvious that a book like that will be inclined to give a one-sided picture of the case. As I have said more than once, personally I place greater reliance on the publications of the International Labour Office. The position in England is dealt with fully at pages 1 to 86 of Volume II of "Freedom of Association" issued by the Geneva Office, and I should like to place before the House a few extracts from the Conclusion at page 69 of that book:

"The British Statutes affecting the right of association contain no reference to any 'right' or 'freedom' whether for the individual or for the association. It has probably never been unlawful in Great Britain to combine for a lawful object."

(Those words are italicised.)

"As the foregoing pages have amply shown, the English law relating to trade unions is intricate in the extreme. This is for the most part due to the fact that the problems raised by the trade union movement in Great Britain have been dealt with piecemeal, as from time to time they became acute. Acts have been passed by Parliament, and a body of case law built upon them. When the decisions of the Courts have led to a position which, for one reason or another, was held untenable, amending Acts have been passed to meet the difficulty."

Now, Sir, in view of the intricate position connected with the English law, I referred in my previous speeches to the general position in most of the countries in the world. In fact what I said on previous occasions made it clear that in no country, barring one (Esthonia), was the inherent and absolute right to strike of all workers admitted. That being so, the Bill before us does not contemplate any catastrophic change in any inherent and absolute rights. Another argument which was used by my Honourable friend was that the working classes were not properly represented in the Assembly and therefore this Assembly should hesitate to pass this measure. That argument has already been dealt with by my Honourable friend, Mr. Acharya, and by some other speakers who have spoken before me. Now, Sir, as the constitution of India at present stands, it rests with this House, as part of the Legislature of the country, to approve of enactments, and in approving of these enactments, it is naturally guided by the requirements connected with the welfare of the community. That, Sir, at the present moment, is the right of this House. It is quite possible that later on the composition of this House may change. My Honourable friend, Mr. Acharya, referred to what may or may not happen after the end of the year. I am not particularly concerned with that. But one reason why the currency of this Act was put down at five years was that probably, in the course of the next five years, there will be a change in the constitution, and it was considered only fair that a body established under the new constitution, which might be of a more representative character than the present House, should be given an opportunity for reconsidering this legislation as early as possible.

Lieut.-Colonel H. A. J. Gidney: Then, why don't you make it two years?

The Honourable Sir Bhupendra Nath Mitra: The next point which has been urged is that the Bill, if it becomes law, will stand in the way of political advancement of the working classes. I fail to discover any provision in this Bill which is likely to have that effect. Of course the speeches of my Honourable friends do not throw any light on the subject. My Honourable friend, while admitting that the man who simply desired to stop work was not likely to be penalised under the provisions of this Bill, also drew attention to the fact that clause 16(2) of the Bill would prevent the possibility of either collecting funds or applying funds in support of those who are out on illegal strikes. This was a matter which was carefully considered in the Select Committee, and my Honourable friend, Mr. Acharya, took great pains in trying to modify it to the extent that a modification was considered to be reasonable. That is the reason why the word "direct" was put into that sub-clause, the explanation given in the report being that the change was intended to exclude cases in which money was spent upon the relief of

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the dependants of strikers. My Honourable friend has said that clause 17 is directed against men like my Honourable friend Pandit Madan Mohan Malaviya, who is bound to go about and ask the working man to improve his lot. I have not the slightest doubt that my Honourable friend, the Pandit will go on performing this humane task, but I have not the slightest doubt also that he will be the last person to direct, instigate or incite the workmen to go on strike, which, among other purposes, is designed or calculated to inflict a severe and prolonged hardship upon the community. I know that that is not in his nature and I know that he condemns strikes of that sort.

Mr. S. Srinivasa Iyengar: I do not know that.

The Honourable Sir Bhupendra Nath Mitra: My Honourable friend. Mr. Srinivasa Iyengar then referred to the mischief of clause 18. I really fail to see how what he said in that connection coincides with his theory, and that theory is correct, about the inherent right of a man to work. I must reiterate the view which I have already expressed that the effect of this Bill, if it becomes law, will be to promote healthy development of the trade unions. During the period of five years for which the Bill will be in operation, it is very desirable that these unions should start on the basis of small units, and if they can be so started during that period and thereafter reach a stage where the units should grow into larger bodies, whose development would be adversely affected by the provisions of this Bill, it would be open to this House to modify the provisions after the next five years.

I think it was my Honourable friend, Mr. Aney, who observed that the effect of this Bill would be to isolate labour from the rest of the Indian population. I have failed to understand how that position is likely to be reached. My Honourable friend again made some observations that this Bill will have the effect of stopping sympathetic strikes. Surely that will not be the effect of this Bill. Sympathetic strikes will become illegal only to a very limited degree, and that must be apparent to any of my Honourable friends opposite who have studied the Bill with any care.

I shall now deal with the point which was raised by Sir Hugh Cocke and by Mr. Fazal Ibrahim Rahimtulla and other Honourable Members, who have supported him in the contention which he placed before us. The point of view of these gentlemen is that I, as the Government Member in charge of the Bill, should have reserved in the Select Committee the right to put down any amendments I liked on the agenda paper and to support any amendments that other Members might put down.

Mr. Fazal Ibrahim Rahimtulla: No, that was not our point of view.

The Honourable Sir Bhupendra Nath Mitra: I have quoted the words as I took them down from Sir Hugh Cocke's speech.

Mr. Fazal Ibrahim Rahimtulla: Our point was that Government had no right to bind themselves to any agreement with individual members of the Select Committee.

The Honourable Sir Bhupendra Nath Mitra: That, if I may say so, is a particular variant of the general proposition. My Honourable friend, Sir Hugh Cocke, is not here at the present moment. But I am sure every Member representing the European community will bear with me in my line of argument. They are all business men, and they must realise that, when, in the course of settling a business, a compromise has to be made, that compromise must be made without any equivocation or mental reservation. (Hear, hear.) I also hope that my Honourable and gallant friend Colonel Crawford, who has been a soldier for years, will agree with me that the only proper course for me in this matter was to have played the game. (Hear, hear.) As it is, this matter was left by the Select Committee in a somewhat uncertain position. The Bombay Government had made a certain proposal. My friend Mr. Fazal Rahimtulla was not kind enough to read out the whole of their arguments in respect of their proposal. This is what they went on to say:

"The Governor in Council, after giving very careful consideration to the question, has come to the conclusion that the proposals as regards picketing made by the Indian Merchants' Chamber should be adopted, partly because they come from a body, the views of which are likely to carry weight in the Assembly."

Sir Purshotandas Thakurdas, representing the Indian Merchants' Chamber, in the Select Committee, refused to pursue the matter.

Mr. Fazal Ibrahim Rahimtulla: What was the reason?

The Honourable Sir Bhupendra Nath Mitra: He never gave any notice of an amendment to be moved in this House. (Hear, hear.) Even so, my mind was more or less clear that I had given no undertaking to Members of the Select Committee on the point. Still, when four Members of the Select Committee told me that they left the Select Committee with the impression that this was one of the points covered by the settlement in the Select Committee, naturally I felt that I must give them the benefit of the doubt, and that I had no other course open to me. I am pretty sure my Honourable and gallant friend Colonel Crawford will agree with me.

Colonel J. D. Crawford: I am not quite certain whether I agreed with his action in the Select Committee on this point. Surely amendments moved later should be considered on their own merits by the House.

The Honourable Sir Bhupendra Nath Mitra: I have already referred to that point, and I shall explain that to him again. If we have got to settle a particular business on the basis of a compromise, that compromise must be without equivocation, direct or indirect. That compromise carries with it an assurance that thereafter the people who are parties to that compromise will not try to upset the balance of that compromise. That is the point.

Mr. Fazal Ibrahim Rahimtulla: There should be no compromise of principles.

The Honourable Sir Bhupendra Nath Mitra: There was no question of principle. If I had not been able to arrive at that compromise, I am pretty sure Members of the Select Committee will confirm my statement

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that we would not have got this agreed Bill. The question was whether, by accepting a compromise, I should have a rose with certain thorns, or by not accepting that compromise, I should try to have another rose and risk the rose and thorn which I might otherwise have got.

Sir Darcy Lindsay (Bengal: European): With reference to what my Honourable friend particularly alluded to in the matter of a compromise—does he mean, give and take—that is, that one amendment he did not strongly oppose because the other side accepted one of his propositions? If he refers to a compromise in that respect, I am with him. But I maintain, Sir, that there was no general compromise in the Select Committee.

Mr. President: The Honourable Member is entitled to oppose the Bill when going to the lobby.

The Honourable Sir Bhupendra Nath Mitra: The compromise was fundamentally of the nature referred to by my Honourable friend, Sir Darcy Lindsay, in the earlier part of his last speech. But certain Honourable Members left the Select Committee with the impression that the compromise included an understanding that no new matter was to be imported into the Bill during its progress through this House, and such an impression was perfectly legitimate, for if there had been no such general understanding, the compromise, as referred to by my Honourable friend, would have been perfectly nugatory. If I had, so to say, a settled Bill or an agreed Bill, and then I came back to this House and tried to put in a number of amendments which would have added new matter to the Bill, I would have broken the compromise.

Colonel J. D. Crawford: Does not that amount to delegating to the Select Committee powers to settle the Bill over the head of the House?

The Honourable Sir Bhupendra Nath Mitra: I am afraid my Honourable friend is not wholly correct there, because the point is this. The matter had been fully discussed in Select Committee. It is not a matter that had not been discussed; the matter had been discussed in Select Committee, but for certain reasons which I have already mentioned, and which I do not want to repeat, that Committee came to the conclusion that they must drop it. Then we arrived at this Bill. If I had then told the Select Committee: "This is all very well; but I reserve to myself the right to bring in other amendments in the House,—to make other additions or alterations to this Bill," the Select Committee would undoubtedly have got suspicious of my intentions. That is not the way of doing business, and I am pretty sure my friends Sir Darcy Lindsay, Colonel Crawford, Mr. Fazal Rahimtulla and Colonel Gidney will agree that my action in the matter is the only correct way of doing business.

Mr. Fazal Ibrahim Rahimtulla: Do I understand that Government will refuse to accept any amendment to the Bill on its own merits, except the report of the Select Committee as it stands?

The Honourable Sir Bhupendra Nath Mitra: I have made my position perfectly clear. Where it is an agreed Bill, there is no option on the part of the Honourable Member in charge.

Mr. Fazal Ibrahim Rahimtulla: Otherwise, the Swarajists would not have written all their minutes of dissent?

The Honourable Sir Bhupendra Nath Mitra: We know that; but we managed to secure a considerable body in favour of the agreement.

Mr. S. Srinivasa Iyengar: You destroyed the Swarajist majority by this agreement, and you want to get the benefit on some other matter.

Mr. Fazal Ibrahim Rahimtulla: What about Mr. G. D. Birla?

The Honourable Sir Bhupendra Nath Mitra: My friend Mr. Acharya stated, in the course of his speech, that the hysteric oration of my friend, Diwan Chaman Lall, had something behind it. It was the first time that that possibility dawned on my mind. I had throughout given my friend the benefit of his good intentions, though I had undoubtedly realised that he had never studied the Bill before, in spite of his protestation to the contrary. He has made to me another of his hysteric appeals, but as there is nothing of substance in it, it did not touch my heart. I think he said that the debates in this House would furnish a public record to convince the public that he argued the case fully and on its merits and that there was nothing of substance in my own arguments. Well, Sir, I do not desire to traverse the ground which I have already covered, but I cannot help making one or two pointed observations. When my Honourable friend was speaking on clause 16, he undoubtedly was under the impression that the effect of that clause would be to penalise the workmen who had ceased to work or refused to continue to work or to accept employment. He characterised the clause as a piece of slave legislation, and this is precisely what he said:

"If a man refuses, in concert with his fellow workmen, to be engaged in any particular employment because he wishes to go on a sympathetic strike to help his fellow workmen and thereby causes hardship to the community in order to compel Government to alter its decision, then his action will be penalised."

Nothing of the sort. I think he also said that he was opposed to all strikes,—I have already referred to the matter in a previous speech,—and he considered to be criminal, the act of a person who went out of his way to instigate a strike. Now, Sir, as I have already stated, that is the sort of man we want to catch

Diwan Chaman Lall: May I ask the Honourable Member if he will permit me to put a question to him?

The Honourable Sir Bhupendra Nath Mitra: I have no desire, Sir, to listen to another of my friend's hysteric appeals.

Diwan Chaman Lall: I do not want to appeal to the Honourable Member's head,—only to his heart.

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, I can assure the House, as I have already assured it that in my mind there is no motive underlying this measure other than the welfare of labour, the welfare of the community and the development of trade unions on healthy lines. I do not therefore consider this Bill to be a tragedy. It may interest my Honourable friends opposite to hear that, quite recently, the *Pioneer* had a short article in which it said that measures like those embodied in clause 15 and clause 16 were necessary in any country and every country.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Why do you not quote the *Pioneer* on the Public Safety Bill?

The Honourable Sir Bhupendra Nath Mitra: I quote it in connection with the Bill before the House, because it might appeal to some of my Honourable friends opposite. It further said that the Legislative Assembly should examine the provisions embodied in the Bill critically and see that they contained adequate safeguards. That, Sir, if I may say so, my Honourable friends opposite have failed to do here. In Select Committee we did a good deal of work in that direction, and some of the clauses were modified, and in this task we had the assistance of some Members of the Benches opposite. Unfortunately a party mandate has prevented my friends opposite from looking at the matter dispassionately in this House. I regret, Sir, that that should be so, but I cannot help it.

Mr. S. Srinivasa Iyengar: I looked at it most dispassionately.

The Honourable Sir Bhupendra Nath Mitra: I move, Sir, that this motion be adopted.

Mr. President: The question is that the Trade Disputes Bill, as amended by the Select Committee, be passed.

The Assembly divided:

AYES—56.

Abdoolah Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Cresser, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyad.
Ismail Khan, Mr. Muhammad.

Jowahir Singh, Sardar Bahadur Sardar.
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Subrawarddy, Dr. A.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfikar Ali Khan, Nawab Sir.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Joglah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. S. C.
Moonje, Dr. B. S.

Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan Bahadur
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Tirloki Nath, Lala.

The motion was adopted.

Mr. President: As the Trade Disputes Bill is now out of the way, I propose to give my ruling . . .

(At this stage two bombs were thrown from the Visitors' Gallery, and burst among the Benches occupied by the Official Members, causing injury to certain Members. Confusion prevailed and Mr. President retired. After a few minutes, Mr. President resumed the Chair.)

Mr. President: In view of the most shocking and deplorable incident, I propose to adjourn the House till Thursday morning, 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 11th April, 1929.

LEGISLATIVE ASSEMBLY.

Thursday, 11th April, 1929.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock. Mr. President in the Chair.

MEMBER SWORN:

Mr. Thomas Ryan, C.I.E., M.L.A. (Secretary, Department of Industries and Labour).

BOMB OUTRAGE IN THE LEGISLATIVE ASSEMBLY CHAMBER.

Mr. President: We meet today under the shadow of a great tragedy which, but for the merciful intervention of Providence, would have resulted in consequences the seriousness of which it is not difficult to imagine. But the fact that the dastardly outrage did not result in more serious injuries does not make it any the less deplorable or condemnable. I am sure it is the unanimous wish of the House that we should place on record our emphatic condemnation of the outrage, and I, therefore, place the following motion before you, namely:

"This House places on record its sense of horror and indignation at the dastardly outrage that was committed in the House on the morning of the 8th instant, offers its deep sympathy to Sardar Sir Bomanji Dalal and others who received injuries, and expresses its profound relief that, thanks to a merciful Providence, the results were not more serious. The House condemns unreservedly this outrage and assures the authorities of its full support in such reasonable steps as may be necessary to prevent a recurrence of such crimes."

The motion was adopted unanimously.

THE PUBLIC SAFETY BILL—*contd.*

POINT OF ORDER—*concl.*

Mr. President: I now proceed to give my ruling on the Public Safety Bill.

As a rule, I have refrained from offering advice to Government on any matter, unless they themselves sought it, but in this particular case I did so in order to avert a conflict between the powers of the Chair and the rights of Government. It is a matter of regret to me that the Government could not see their way to accept the advice offered, and a conflict has thus become unavoidable. Such a conflict is bound to arise under a constitution like ours, particularly where the Chair considers it its

[Mr. President.]

duty to interpret the rules and orders of the House with a view to prevent powers belonging to this House passing into the hands of the Administration. Speaker Onslow is reported to have frequently observed that it was a maxim he had often heard when he was a young man from old and experienced members, that "Nothing tended to throw more power into the hands of the Administration and those who acted with the majority of the House of Commons than a neglect of, or a departure from, these rules—that the forms of procedure, as instituted by our ancestors, operated as a check and control on the actions of the ministers; and that they were in many instances a shelter and protection to the minority against the attempts of power." Situated as we are in this country, the wonder is that the conflict did not come earlier,—thanks partly to the intervention of His Excellency Lord Irwin from time to time.

Government claim that they have the undoubted right, under the constitution, to decide what legislation they shall ask the House to pass and when. That is no doubt true within prescribed limits, but it must not be forgotten that the Speaker exerts a direct influence upon the course and extent of legislative action. This is what Redlich, at page 142, Vol. II, says:

"But the most important function discharged by him (*that is, the Speaker*), that which gives him his chief political influence, is that of being the sole and final judge of whether any motion or amendment is in order or not. By virtue of the traditional and incomparable authority which is conceded to him by all parties in the House, an immense power is thus placed in his hands and, under certain circumstances, he may exert a direct influence upon the extent of legislative action."

It will thus be seen that the claim made by Government has its own limitations.

Sir Darcy Lindsay, the Leader of the European Group, and the Honourable the Law Member, Sir Brojendra Mitter, contend that it is the right of the House to decide whether it should proceed with the Public Safety Bill or not. Both dispute the right of the Chair to give any ruling on the question whether, assuming that a real debate is impossible, the motion is in order or not. The Law Member further contends that the Chair is bound to leave the decision of this point of order in the hands of the House, and quotes, as his authority, page 145, Vol. II, Redlich, but does not complete the quotation and leaves out the following:

"But it is entirely in the Speaker's discretion whether and when to call for such a decision of the House. If he deems it unnecessary to do so, his ruling is final."

It is quite clear from this that the Speaker is under no obligation to leave the decision of a question like this in the hands of the House. In fact, it did at one time occur to me as a possible course to adopt; but when I heard the statement made on behalf of the Government, a statement which, I must confess, is calculated to undermine the authority of the Chair, and amounts to a direct challenge of its powers, and when I heard the other day the amazing remarks of the Leader of the European Group that, by the exercise of my undoubted right to give a ruling on a point of order, I would be assuming the position of a dictator or usurper, I thought to myself that in yielding to such arguments, I would be shirking my responsibility. But there is another and more serious objection to the proposal. Assuming that I left the decision of the point of order to the House, and the House decided that the Bill should be proceeded with, the Chair

would be bound, in that case, to put the question without any debate if it was found that a debate was impossible. This course would deprive the minority of their right of reasonable debate, which it is my duty to protect.

I understood the Leader of the House, the other day, to claim that Government were entitled to ask the Chair to put the motion to the vote of the House, although there was no debate, as none was possible. I was, however, much relieved when I heard the reply of the Law Member, on behalf of Government, to a question which I put to him during the course of his speech. I asked him whether Government claimed that they were entitled to ask the Chair to put a motion, although there might be no debate on it because a debate was not possible. The reply of the Law Member was:

"I am not suggesting that for a moment, but my submission is this. It is capable of reasonable debate, and if it is capable of reasonable debate, then I presume it will be your duty to put the question before the House."

I am in entire agreement with the view expressed by the Law Member. My difficulty is that I am not satisfied that, in the circumstances of the case, any real or reasonable debate is possible on this motion. On the contrary, the speeches that I heard the other day have confirmed me in the view I had expressed in my statement, that no real debate was possible without repeated reference to, and discussion of, matters *sub judice*, and that matters *sub judice* were the only vital matters relevant to this debate. Indeed the Honourable the Law Member admitted in his speech the other day that we might be handicapped at the present moment, for Standing Order 29 came in the way. He further said that he was not disputing the fact that there might be certain common factors between the Meerut case and the grounds upon which this Bill was framed. One has only to read the speeches of the Leader of the House on the Public Safety Bill, made from time to time, and compare them with the allegations made in the complaint against the 31 accused to be convinced that the fundamental basis of both is identical. The logical result would be that no debate could take place on the motion in question and on the large number of amendments which have been tabled and also on the motion that the Bill be passed. I would have to put all those questions without any debate and secure the passage of the Bill. Such a course is unthinkable and would be a gross abuse of the forms and procedure of the House.

It has been suggested to me that I should allow the debate on this motion to proceed, and if it was found that a real debate was not possible, I should then consider whether I should not exercise my right of declining to put the question, instead of ruling the motion out of order at this stage. Although this suggestion has not been seriously pressed either by Government or any of the speakers on the point of order, I have carefully considered it, and I am of opinion that those who still contend that a debate is possible would be completely disillusioned as soon as the debate began. I have no doubt that I would have repeatedly to intervene and call speaker after speaker to order. I would be deceiving myself and deceiving the House if I left any impression on the mind of any one that I had any doubt whatever that any debate on any vital matter in respect of the Bill was possible. I have, therefore, decided to reject the suggestion, the adoption of which would result in pure waste of public time and would have all the appearance of a farce and a fraud.

[Mr. President.]

It has been contended that, as the motion has already been made, the House is seized of the Bill and the Chair has no power to withhold it from its consideration. This is a mistaken view. The point that a motion is out of order can be taken at any time before it is voted upon, and the Chair is entitled to rule it out if it is of that opinion.

The only question that now remains to be determined is whether the motion is in order or not. It is my duty, as President of this House, to see that it transacts its business with due regard to the forms and procedure laid down in the Act, Rules and Standing Orders governing the same, and where no Rules or Standing Orders exist, in accordance with accepted principles, precedents and conventions that should regulate the fair discussion and free decision of every question before the House. It is a duty which the President owes to the House and to every Member thereof, and is one which he cannot share with or delegate to the Government or the Opposition, or submit to the verdict of a majority or a minority in the House. "Every matter requiring the decision of the Assembly", to quote the words of Standing Order 80, "can only be brought forward by means of a question put by the President on a motion proposed by a Member". When a motion is so proposed and spoken to by the Mover, it is the right of the House to discuss it, and no derogation from, or infringement of, this right of reasonable debate can be permitted by the Chair on any ground, real or imaginary, of urgent executive policy or otherwise. Even where express provision is made by the Standing Orders or Rules for an abridgement of this right, e.g., motions for closure, it is the duty of the President to see that they do not involve an abuse of the Rules or Standing Orders or an infringement of the right of reasonable debate. It follows, therefore, that the President cannot put the question for the decision of the House without a reasonable debate or without affording to Members every opportunity for such debate. It is obvious that, to do so, would be to deny to the House its fundamental right of free discussion and decision on the merits of the question before it. It would constitute a negation of the very basis of all deliberative and legislative bodies. As I have already pointed out, not only no reasonable debate, but hardly any debate, is possible in respect of the motion now before the House. There are, as Honourable Members are aware, certain limitations of debate, which are expressly laid down by Standing Order 29, in the interests of fair and reasonable debate within the House, as also in the larger interests of the public and the State. The first of these is that a Member, while speaking, shall not refer to any matter of fact on which a judicial decision is pending. I have been assured by the Leader of the House that the Government, on their side, will see that no reference is made to matters *sub judice* in the debate on the motion, and I have been invited to help them in seeing that no such reference is made by others in the exercise of their right of debate. I cannot but consider such a proposal, coming from a party that has, by its own action in launching the prosecution during the pendency of the Bill, made the debate on it impossible, as unfair to those Members who desire to oppose the motion and to disprove the case made in support of it by the Home Member, and unfair also to the House which has to give its decision on it. The Law Member admits that the right of reasonable debate exists, but contends that, in this case, it has already been exercised twice, and that therefore

further exercise of this right is superfluous. This betrays a fundamental misconception of the procedure of the House and the rights of debate of Members on motions. The House and every one of its Members has the right, on every occasion that the Bill is taken into consideration—whether on a motion to refer it to a Select Committee or to consider the Bill as reported by the Select Committee, or to pass the Bill as amended after consideration and passing of its clauses,—to discuss the case for the enactment of the Bill as a whole and give its decision thereon. I cannot, by reason of previous discussion having taken place, impose on the Members the obligation to vote for the motion without the debate they are entitled to raise.

It has been contended that the right to rule the motion out of order is not expressly conferred on the President by any of the Rules or Standing Orders of the Assembly. Indeed, the Law Member goes further and says that, as the Assembly and its President are creatures of the Statute, the convention and precedents of the House of Commons have no application, and that such power cannot be deduced by implication from the provisions of Rules and Standing Orders. Such a power must, according to him, be expressly given. But it is a matter of common knowledge that conventions and precedents of the House of Commons are being quoted repeatedly in the Legislative Bodies in India and acted upon. It was only last year that the Chair exercised its inherent power to disallow the introduction of a very important Bill on the ground that the course proposed was an abuse of the forms and procedure of this House and violated its proprieties. If the contention of the Honourable the Law Member is upheld and the Chair restricted to the powers expressly conferred on it by the Rules and Standing Orders of this House, the business of this House would become impossible.

The Leader of the House, the Law Member and the Leader of the European Group have, in support of their contention, relied upon the proceedings of the House of Commons relating to the following Acts:

- (1) An Act for the better protection of persons and property in Ireland, 1881;
- (2) Defence of the Realm Act passed in the early years of the recent war.

I have carefully studied the debates on the above measures, but am unable to find either that the present point of order was raised and decided, or that there was, in fact, a common basis for the prosecution as well as the Bills before the House, as is the case here. I am therefore unable to derive any guidance from these instances for deciding the point before me.

For those reasons, I am of opinion that, although power to rule this motion out of order is not expressed in so many words in any of the Rules and Standing Orders, it does arise by necessary implication and analogy, and I am further satisfied that, in any case, the Chair has the inherent power to rule out a motion on the ground that it involves an abuse of the forms and procedure of this House as this motion, I hold, does. I therefore rule it out of order.

I understand that the Leader of the House does not wish to make any statement on behalf of the Government in view of the communication which I am about to read.

MESSAGE FROM H. E. THE VICEROY AND GOVERNOR GENERAL.

Mr. President: I have received the following communication from His Excellency the Viceroy and Governor General.

(The Message was received by the Assembly standing, except the Members of the Congress Party, who continued to sit in their places.)

Will the Honourable Members kindly stand in their places?

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Is it your decision, Sir, that we should stand?

Mr. President: Courtesy requires that we should stand.

Pandit Motilal Nehru: We stand because you request us to do so.

(The Assembly then received the Message standing.)

"In pursuance of sub-section 3 of section 63B of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby require the attendance of the Members of the Legislative Assembly in the Assembly Chamber at 11 o'clock on Friday, the 12th April, 1929."

IRWIN,

Viceroy and Governor General."

New Delhi, 10th April, 1929.

In view of this communication, I understand the Leader of the House makes no statement.

The Honourable Mr. J. G. O'Grady (Leader of the House): In view of that communication, Sir, it is unnecessary for me to make any statement.

Mr. President: Honourable Members will meet tomorrow at Eleven o'clock to hear the address by His Excellency the Viceroy and Governor General, and, after the conclusion of that address, there will be an adjournment of ten minutes when the House will re-assemble again.

The Assembly then adjourned till Ten Minutes after the conclusion of the Address of His Excellency the Viceroy on Friday, the 12th April, 1929.

LEGISLATIVE ASSEMBLY.

Friday, 12th April, 1929.

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

H. E. the Viceroy: Gentlemen, I have exercised my privilege of requiring the attendance of the Members of both Chambers of the Indian Legislature this morning for two purposes. The first is that I might have the opportunity of associating myself, by what is at once the most personal and the most formal means open to me, with what I know will have been their immediate and universal feeling of resentment at the outrage which, four days ago, was perpetrated in this building.

It is not necessary for me to dwell upon the actual events which took place before the eyes of many here. We must thank the merciful protection of an overruling Providence that the designs of wicked men should have been, as it seems, so unaccountably and miraculously frustrated, while to Sir Bomanji Dalal, we tender our sincere sympathy, mingled as it may happily be with gratitude, that he and others were spared even graver injury. With the acts committed the law can be left to deal; but there are certain general reflections that may perhaps rightly find expression at such a time as this. Throughout history, men have been tempted to seek the promotion of political purposes by resort to crime. Though they may result in the destruction of a few individual lives, such efforts are foredoomed to failure, because there is a fundamental and instinctive reason, which leads ordinary men, everywhere, to revolt against such attempted terrorism. For they realise that society itself depends upon the quality of protection that it can guarantee to the humblest of its constituent members, and that, if this guarantee were to be lightly violated and trodden under foot, society would rapidly revert to the order of the jungle, where strength and stealth are the only abiding sources of security.

And if this be true of attempts to challenge the sanctity of individual life, of how much more grave import is not an attempt, such as that which is in all our minds, directed against a body which, with its sister Chamber, is not only a collection of individuals, but stands in a collective capacity for something more significant and comprehensive than even the sum of all the interests represented in it? Here we come face to face with a naked conflict of two contradictory philosophies. This Assembly exists as an outward symbol of that supremacy of reason, argument and persuasion which man, through the ages, has been, and is still, concerned to establish over the elemental passions of his kind. The bomb stands as a cruel and hideous expression of the gospel of physical violence which, repudiating reason, would recoil from no atrocity in the achievement of its sinister designs. It is indeed partly because, through the corporate person of this Assembly, a direct threat has thus been levelled at the whole constitutional life of India, and everything which that life includes, that I have thought fit to summon the two Houses together here today.

[H. E. the Viceroy.]

On more than one occasion, it has been the duty of Government to call public attention to the subversive and revolutionary schemes, of which India is in certain quarters the professed objective. I have never concealed my view of the gravity of the danger which, if vigilance were for a moment relaxed, would menace Indian society, and I would urge Honourable Members to ponder long and seriously upon what lies behind the recent incident. Deeds of violence, such as that of which this Chamber has recently been the scene, can never be completely disentangled from the setting in which the idea behind them has been nurtured. In such matters some men have thought and spoken, before other men resort to the extremity of action. And dangerous words, written or spoken by one man, are only too frequently the poisonous seed falling upon the soil of another man's perverted imagination. From such root, in due course, springs the impulse which drives human beings to ruthless and shameless crime, and invests it with the false halo of self-sacrifice. And so, to go no further back than the last few months, India is disgraced by the murder in Lahore of that young and most promising Police Officer, Mr. Saunders, and the gallant head constable, Chaman Singh, still more recently of a highly respected Indian Police Officer in Barisal, and lastly, by the outrage here which many Honourable Members were compelled to witness.

I do not doubt that all right-thinking persons, with such an objectlesson fresh in their memory, will be of one mind and speak with one voice in reprobation of such conduct. But if there be reprobation, let it be unqualified. To condemn a crime in one breath, and in the next to seek excuse for it, by laying blame on those against whom it is directed, is no true condemnation.

Speaking here as head of the Government of India, it behoves me to make it abundantly plain that my Government will not be deterred by any such futile and insensate acts from the discharge of its evident duty, to take whatever measures may seem to it right and necessary for the protection of law-abiding citizens. In one respect, and it is vital, the task of Government and of the Legislature is the same. That task is to secure the conditions under which alone the things that make for India's welfare and happiness may grow. Apart from all other considerations, such an event as that of last Monday cannot possibly accelerate, any more than it should be allowed to retard, the development of Indian institutions and the orderly pursuit of Indian aspirations, which the true friends of India desire.

It is not by resort to force or by belief in force that the future can be assured, and those who inspire and take part in such outrages are indeed the greatest enemies of India's progress. For let no man stand aside and delude himself with the belief that the State's security is not the affair of the individual citizen. Once the gospel of force is admitted as a suitable means for the attempted coercion of Government, there is no conflict of interest, religious, racial, or economic, which it may not be sought to resolve by appeal to the same tribunal.

The second reason for which I have required your attendance this morning was to acquaint Honourable Members with the decisions reached by my Government in view of the situation created by the ruling given yesterday by the President of the Legislative Assembly. The result of that ruling, which it is not my purpose here to discuss, is twofold. In the first

place, it propounds an interpretation of the rules, which I am satisfied is not in conformity with their original intention.

In the second place, the practical effect of the President's ruling, as it stands, is to debar Government from asking the Legislature to give it the additional powers of which it conceives itself to stand in need, and to make it impossible for either Chamber of the Legislature to record any decision upon Government's proposals, or to form its own judgment upon the question whether or not it could usefully conduct its debates on these proposals within the rules of order.

I desire to state clearly the position of myself and my Government on both these issues. Entertaining, as it does, no doubt as to the intention of the rules in question, my Government is nonetheless constrained to recognise that the only appropriate person to interpret, within either House of the Legislature, the rules under which it works is the President of the House himself. If, therefore, the interpretation of the rules by the President of either House gives rise, as now, to a situation in which Government, for grave reasons, is unable to acquiesce, the only effective remedy is that early measures should be taken to secure, by due authority, such amendment of the rules, as may be necessary to prevent any recurrence in future of a similar interruption in the normal legislative procedure. That course we propose to follow without delay, and in order that there may be no misunderstanding, I will add that the broad purpose of the amendment in the rules, which we propose to seek, will be to secure that the progress of legislation, which it is within the power of the Indian Legislature to pass, shall not be prevented by the President of either House, except in virtue of express powers to do so conferred upon him by the Rules and Standing Orders.

Meanwhile, and pending the possibility of further action in the Legislature, the primary responsibility for protecting the foundations of the ordered State rests and must rest upon the Executive Government, of which I am head. Neither I nor my Government can neglect that responsibility, even though the technical difficulty created by the ruling to which I have already referred has made it impossible to share it with the Legislature. We cannot ignore the fact that the men behind the revolutionary movements, against which the Bill is directed, will not stay their hands, because the enactment by the Indian Legislature of preventive legislation is postponed. With this danger in view, and speaking with a full knowledge of much that can necessarily not now be publicly disclosed, I conceive that it has become imperative for Government to obtain the powers proposed in the Public Safety Bill without further delay. I have accordingly decided, after careful review of all the facts, to avail myself of the authority conferred upon the Governor General under section 72 of the Government of India Act, in order to issue an Ordinance, giving to the Governor General in Council, the powers in question. The purpose of those powers, as the Legislature is aware, is preventive, they will affect none who are content to employ their liberty in this country for legitimate ends by legitimate means; and the conditions under which they will be exercised have been the subject of very full and careful consideration.

I am fully conscious of the serious character of the personal decision which I have thought it right to take, but though the responsibility in this particular matter rests upon the Governor General alone, I have no fear that my action will not command the approval of that vast majority of India's people, who have faith in India's future, and whose first desire is to see their country prosperous, contented and secure.

The Assembly met in the Assembly Chamber of the Council House at Half Past Eleven of the Clock, Mr. President in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

WITHHOLDING OF DELIVERY OF PARCELS OF THE BOOK "BHARAT MEN ANGREZI RAJ" BY THE ALLAHABAD AND OTHER POST OFFICES.

Mr. Mukhtar Singh: (a) Will Government be pleased to state the date when the Allahabad Post Office and other Post Offices got the information for withholding the delivery of value payable book parcels of the book "Bharat men Angrezi Raj"?

(b) Will Government be pleased to state the date when the above-mentioned book was received for despatch to different consignees in the country and till when the said book did not leave the Post Office at Allahabad? Why and how were the books detained from despatch from the Allahabad Post Office?

(c) Will Government be pleased to state the amount of postage that they received for the despatch of the aforesaid book? How much of that amount has been paid back to the consignors?

(d) Will Government be pleased to state on whose initiative the despatch and delivery of the aforesaid book were stopped?

(e) Will Government be pleased to place on the table a copy of the correspondence that took place between the Government of India and the Local Government on the one hand and the Postmaster of Allahabad on the other for detaining the despatch and delivery of the aforesaid book?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (d). Copies of the book were received for despatch from the 18th to the 20th March. On the 20th March it was brought to the attention of the Postmaster by an officer of the Local Government that the books were believed to contain seditious matter, and accordingly, under section 27-B of the Indian Post Office Act, they were detained.

(c) Rs. 225-11-0. No refund has been made to the consignor.

(e) The Government are not prepared to admit the implication in the question, nor to publish any correspondence relating to the case.

Mr. Gaya Prasad Singh: Is it a fact that the order of proscription is dated the 22nd March, while the books were actually received in the Post Office on the 18th? May I know if the Post Office authorities anticipated the order of proscription?

The Honourable Sir Bhupendra Nath Mitra: If the Honourable Member had kindly listened to my reply, he would have realised the authority under which the Post Office acted.

Mr. Gaya Prasad Singh: I have listened to it.

Mr. Mukhtar Singh: Were the books sent out on the 18th or 19th from Allahabad?

The Honourable Sir Bhupendra Nath Mitra: I have no information on that point, Sir. Indeed, I have no information beyond what I have placed before this House.

Mr. Mukhtar Singh: Is it a fact or not, that the books were detained on the 18th and 19th as well?

The Honourable Sir Bhupendra Nath Mitra: They must have been; but whether at Allahabad or at the place of delivery, I cannot say.

Mr. Gaya Prasad Singh: My question was this: the books were received in the Post Office on the 18th. Why were they not despatched on the same day, although there was no information about the proscription in the Post Office on that day?

The Honourable Sir Bhupendra Nath Mitra: It is quite possible that there was a normal delay in despatch between the 18th and 19th; but I have not sufficient information before me to be able to answer that question fully. As it is, I had to obtain the information from Allahabad in order to answer this question at short notice; and if any Honourable Member is not satisfied with my reply, I would ask him to put down a question.

Mr. Gaya Prasad Singh: For the Simla session!

Mr. M. S. Aney: May I ask whether postmasters have a right to detain books without an order from the Government to do so, under any Act?

The Honourable Sir Bhupendra Nath Mitra: As I have said, any delay that might have taken place must have taken place in the normal course of business.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have, at their meeting held on the 11th April, 1929, agreed, without any amendments, to the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, which was passed by the Legislative Assembly on the 8th April, 1929."

The Assembly then adjourned *sine die*.

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